

SENATE JOURNAL
Forty-Fourth Legislature
OF THE
STATE OF WASHINGTON
AT
OLYMPIA, the State Capital

Convened January 13, 1975

Adjourned Sine Die March 13, 1975

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*
AL HENRY, *President Pro Tempore*
JAMES E. KEEFFE, *Vice President Pro Tempore*

SENATE CAUCUS OFFICERS

DEMOCRATIC CAUCUS

ROBERT C. BAILEY, *Chairman*
AUGUST P. MARDESICH, *Floor Leader*
GEORGE FLEMING, *Vice Chairman*
GORDON L. WALGREN, *Majority Whip*
REUBEN A. KNOBLAUCH, *Secretary*

REPUBLICAN CAUCUS

JIM MATSON, *Chairman*
HARRY B. LEWIS, *Floor Leader*
CHARLES NEWSCHWANDER, *Assistant Floor Leader*
GEORGE W. CLARKE, *Vice Chairman/Secretary*
GEORGE W. SCOTT, *Second Assistant Floor Leader*
R. H. (BOB) LEWIS, *Minority Whip*

BILL GLEASON, *Assistant Secretary*
CHARLES L. R. JOHNSON, *Sergeant at Arms*
FLORENCE T. KENDEREST, *Secretary to the Secretary*
VERNE SAWYER, *Reader*

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JOURNAL OF THE SENATE

STATE OF WASHINGTON

FORTY-FOURTH LEGISLATURE

FIRST DAY

Senate Chamber, Olympia, Monday, January 13, 1975.

The Forty-fourth 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 Stefani Gissberg and Matt Durkan, presented the Colors. Doctor Henry S. Rahn, pastor emeritus of the First Baptist Church of Olympia, offered prayer as follows:

"ETERNAL GOD OUR FATHER, THOU ARE NIGH TO ALL WHO CALL UPON THEE. IT IS IN THIS CONFIDENCE THAT WE BOW BEFORE THEE ON THIS OPENING DAY. WE THANK THEE FOR A SYSTEM OF GOVERNMENT THAT HAS WORKED AND THAT BRINGS US TOGETHER HERE TODAY. BLESS THE PRESIDING OFFICER, EVERY LEGISLATOR AND ALL WHO HELP IN THE RESPONSIBILITIES OF THIS SESSION. LEAD US FORWARD TOGETHER WITH HOPE AND ZEST TO THE UNFOLDING OF THE DAYS. THROUGH CHRIST OUR LORD. AMEN."

ROLL CALL

The Acting Secretary called the following roll of holdover members of the Senate and all were present: Robert C. Bailey, R. Ted Bottiger, George W. Clarke, William S. Day, Hubert F. Donohue, Gary Grant, Al Henry, Dan Jolly, James E. Keefe, Reuben A. Knoblauch, Harry B. Lewis, R. H. "Bob" Lewis, Dan Marsh, Jim Matson, Charles E. Newschwander, Gary M. Odegaard, Lowell Peterson, Gordon Sandison, George L. Seljar, Joe Stortini, Don L. Talley, Ramon Van Hollebeke, Gordon L. Walgren, F. Pat Wanamaker, Frank Woody.

APPOINTMENT OF SPECIAL COMMITTEE

The President of the Senate appointed a committee of honor consisting of Senators Clarke and Francis to escort the Honorable Orris L. Hamilton, 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
DEPARTMENT OF STATE
OFFICE OF THE SECRETARY

January 13, 1975.

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

SIR:

I, A. LUDLOW KRAMER, Secretary of State of the State of Washington, do hereby certify that the following is a full, true, and correct list of the persons elected to the office of State Senator at the General Election held in the several voting precincts in the State of Washington on the fifth day of November, 1974, as shown by the official returns of said election now on file in the office of Secretary of State, together with a list of "hold-over" Senators from the forty-third session of the Legislature, and that all of the following are entitled to seats in the Senate of the Legislature of the State of Washington, at its forty-fourth biennial session commencing on the thirteenth day of January, A.D., 1975, as appears from said election returns:

LIST OF SENATORS ELECTED NOVEMBER 5, 1974

<i>District</i>	<i>Name</i>	<i>Counties Represented</i>
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	Nat Washington	Kittitas and parts of Grant and Yakima
No. 15	Sid W. Morrison	Yakima, part
No. 21	Sue Gould	Snohomish, part
No. 26	C. W. Beck	Kitsap, part and Pierce, part
No. 29	A. L. Rasmussen	Pierce, part
No. 30	Peter von Reichbauer	King, part
No. 31	Gordon Herr	King, part
No. 32	Pete Francis	King, part
No. 33	John E. Cunningham	King, part
No. 34	Nancy Buffington	King, part
No. 35	Ruthe Ridder	King, part
No. 36	John Murray	King, part
No. 37	George Fleming	King, part
No. 38	August Mardesich	Snohomish, part
No. 42	Barney Goltz	Whatcom, part
No. 43	Jim McDermott	King, part
No. 44	Lois North	King, part
No. 45	Alan Bluechel	King, part
No. 46	George W. Scott	King, part
No. 47	Kent Pullen	King, part
No. 48	John D. Jones	King, part

LIST OF HOLDOVER SENATORS FROM FORTY-THIRD SESSION

<i>District</i>	<i>Name</i>	<i>Counties Represented</i>
No. 1	Ray Van Hollebeke	King, part and Snohomish, part
No. 2	R. Ted Bottiger	Pierce, part and Thurston, part
No. 3	James E. Keefe	Spokane, part
No. 4	William S. Day	Spokane, part and Whitman, part

No. 5	R. H. Lewis	Spokane, part
No. 9	Hubert F. Donohue	Adams, Asotin, Garfield, and parts of Columbia, Grant and Whitman
No. 10	F. Pat Wanamaker	Island and Snohomish, part
No. 11	Gary Grant	King, part
No. 12	George L. Sellar	Chelan, Douglas and parts of Grant and Okanogan
No. 14	Jim Matson	Yakima, part
No. 16	Dan Jolly	Franklin, Walla Walla, and Columbia, part
No. 17	Al Henry	Klickitat, Skamania and Clark, part
No. 18	Don L. Talley	Cowlitz, part and Clark, part
No. 19	Robert C. Bailey	Grays Harbor and Pacific, part
No. 20	Gary M. Odegaard	Lewis, Wahkiakum and parts of Cowlitz, Pacific and Thurston
No. 22	Harry B. Lewis	Thurston, part
No. 23	Gordon L. Walgren	Kitsap, part
No. 24	Gordon Sandison	Clallam, Jefferson, Mason and Thurston, part
No. 25	Reuben A. Knoblauch	King, part and Pierce, part
No. 27	Joe Stortini	Pierce, part
No. 28	Charles E. Newschwander	Pierce, part
No. 39	Frank Woody	King, part and Snohomish, part
No. 40	Lowell Peterson	San Juan, Skagit and Whatcom, part
No. 41	George W. Clarke	King, part
No. 49	Dan Marsh	Clark, part

IN TESTIMONY WHEREOF, I have hereunto set my hand, and affixed the seal of the State of Washington at Olympia, this thirteenth day of January, A.D., 1975.

A. LUDLOW KRAMER
Secretary of State.

ROLL CALL

The Acting Secretary called the roll of the following newly reelected Senators and all were present: George Fleming, Pete Francis, Sam C. Guess, Gordon Herr, John D. Jones, August P. Mardesich, John Murray, A. L. "Slim" Rasmussen, Ruthe Ridder, George Scott, Peter von Reichbauer, Nat Washington.

The President requested the Acting Sergeant at Arms to conduct all of the newly reelected Senators to the bar of the Senate to receive their oath of office.

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

The President presented the newly reelected Senators their certificates of election.

ROLL CALL

The Acting Secretary called the roll of the following newly elected members of the Senate and all were present: C. W. "Red" Beck, Max E. Benitz, Alan Bluechel, Nancy Buffington, John E. (Jack) Cunningham, H. A. "Barney" Goltz, Susan E. Gould, James A. McDermott, Sid W. Morrison, Lois North, Kent Pullen, Bruce A. Wilson.

The President requested the Acting Sergeant at Arms to conduct all of the newly elected Senators to the bar of the Senate to receive their oath of office.

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

The President presented the newly elected Senators their certificates of election.

PRESIDENT'S PRIVILEGE

The President: "The holdover members, the newly reelected members, and the

President, along with the three and one-half million people of this state welcome you newly elected Senators, and especially those who are adding beauty to that which we have already in the presence of Senator Ridder — Senator North, Senator Gould, Senator Buffington and your colleagues.”

ELECTION OF OFFICERS PRESIDENT PRO TEMPORE

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

REMARKS BY SENATOR DAY

Senator Day: “Thank you, Mr. President, and I can say ladies and gentlemen of the Senate, it is indeed an honor for me and a pleasure today to place in nomination for the office of President Pro Tempore a long time friend whose nomination really is a formality. I think that because of his integrity and ability and his dedicated service through the years that my good friend, Senator Al Henry, will serve as he has in the past as an excellent parliamentarian. He is judicious in his decisions and yet when we are down to the crunch around here he knows how to expedite the work and still be fair and personable while being firm in the process. And so it is a great deal of pleasure for me, Mr. President, to place before this body the name of Senator Al Henry.”

REMARKS BY SENATOR HARRY LEWIS

Senator Lewis (Harry): “Mr. President and members of the Senate, I would very briefly like to second the nomination for a fine Senator who has a very unusual and very appropriate set of rules under which the Senate has operated successfully in the past. Al, I would like to second your nomination.”

The nomination of Senator Henry was also seconded by Senator von Reichbauer and Senator Peterson.

MOTION

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

ROLL CALL

The Acting Secretary called the roll and Senator Al Henry was elected President Pro Tempore by the following vote: Yeas, 48; absent or not voting, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. “Bob”), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—48.

Absent or not voting: Senator Henry—1.

APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators Francis, Fleming, Lewis (Harry), Matson and Jolly as a committee of honor to escort Senator Henry to the rostrum.

Justice Hamilton of the Washington State Supreme Court Administered the oath of office to Senator Henry.

PRESIDENT'S PRIVILEGE

The President: "Mr. President, honored members of the Senate, ladies and gentlemen, the President wishes to remark to you, Al, it was a tough fight but we are glad you won. I have often had the opportunity to work with Al and have found over the years that for ability, loyalty, integrity, and all of the other wonderful attributes that are so desirous in a man or a woman, Al possesses all of them. Al, congratulations, best wishes, may the best things in life be yours."

REMARKS BY SENATOR HENRY

Senator Henry: "Thank you, judge, and thank you, John. I want to thank the members of the Senate for the confidence you have placed in me again for this office. I have enjoyed working here and if they do not louse up the rules too bad so that Henry's rules of order are ruled out, I think we will probably get along real good this session. I can say to you that even though I may be a member of the tired old guard that I have no osmosis in my gavel arm and I will administer as quickly and fairly as I have in the past. Thank you very much."

The committee of honor escorted Senator Henry to his seat in the Senate Chamber.

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 SANDISON

Senator Sandison: "Mr. President, I place in nomination for the position of Vice President Pro Tempore Senator James Keefe. Senator Keefe is a long time member of this body as we all know. He is a man who has been very dedicated to Spokane, Spokane County, his state and to the democratic process that brought us all here and gave us our mandate for the next who knows how many days. He is a man of wit, a man of discretion, and a great guy to have around in any situation."

REMARKS BY SENATOR GUESS

Senator Guess: "Mr. President, it gives me a great deal of pleasure to second the nomination of Senator Keefe, the silver haired sage of the Third Legislative District. Over the years as legislation has been before the body and that particularly affects Spokane, Senator Keefe has always been a leader, one who was working for the best interests of our town, and I am happy that we are recognizing with this honor our most senior citizen in point of years of service. It is indeed a pleasure to second the nomination of Senator Keefe."

MOTION

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

ROLL CALL

The Acting Secretary called the roll and Senator James E. Keefe was elected Vice President Pro Tempore by the following vote: Yeas, 48; absent or not voting, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke,

Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—49.

Absent or not voting: Senator Keefe—1.

APPOINTMENT OF SPECIAL COMMITTEE

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

Justice Hamilton of the Washington State Supreme Court administered the oath of office to Senator Keefe.

PRESIDENT'S PRIVILEGE

The President: "Esteemed ladies and gentlemen of the Senate, and those present in the galleries, the President wishes to express his appreciation of the members of the Senate for electing Senator Keefe along with Senator Al Henry to their important positions. It is always a source of satisfaction to know that we have two such wonderful men. Senator Keefe is the senior Senator, otherwise known as number one, of the Washington State Senate. Jimmy, you are also number one in humor and ability and you are number one in the hearts of all that know you. Congratulations."

REMARKS BY SENATOR KEEFE

Senator Keefe: "Thank you, Mr. President, and thank you for the privilege and honor of serving you and if called upon I will give you my usual fairness. Thank you."

The committee of honor escorted Senator Keefe to his seat in the Senate Chamber.

SECRETARY OF THE SENATE

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

REMARKS BY SENATOR BAILEY

Senator Bailey: "Mr. President and members of the Senate, it is a pleasure for me today to again nominate a man for Secretary of the Senate, a man that I have known for a long time, a man that outranks me in seniority, I think, in the legislature. Sid Snyder came to the session as an elevator operator and a bill clerk in the session of 1949. He was a bill room supervisor in 1951, became Assistant Chief Clerk of the House in 1957, and was Acting Chief Clerk of the House around 1965, then came to the Senate as the Secretary of the Senate on the death of Ward Bowden in 1969. Now Sid is a former constituent of mine. I say former because some pompous federal judge sitting in Seattle decided to let an idealistic theoretical university professor draw lines ignoring common sense and making it look good on a map. He now is a constituent of Gary Odegaard's. So we both claim Sid in Pacific County. We are very happy to present him to you. We think he is the fiftieth member of the Senate. He is a technician, I think that no one can dispute, and I do not think anyone can dispute the fairness that Sid has shown to every member of the Senate. It is indeed a pleasure for me to nominate Sid Snyder as Secretary of the Senate."

REMARKS BY SENATOR ODEGAARD

Senator Odegaard: "Mr. President and members of the Senate, I rise to second the nomination of Sid Snyder for the position of Secretary of the Senate. Senator Bailey has told you how he was in his district and now is in my district. It is a real pleasure to have him in my district. He has done a great job as Secretary of the Senate. He is a very talented person. He is also a good grocer out in the Long Beach area, and if anybody cannot get along with Sid Snyder I guess I would have to question that person."

REMARKS BY SENATOR MATSON

Senator Matson: "Mr. President, I rise to also second the nomination of Sid Snyder to demonstrate the esteem and confidence that those of us in the minority hold for Sid Snyder."

MOTION

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

ROLL CALL

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

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—49.

APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators Goltz, McDermott, North and Matson to escort Sidney R. Snyder to the rostrum.

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

PRESIDENT'S PRIVILEGE

The President: "Ladies and gentlemen, the President wishes to once again thank you for electing Sid Snyder to this very important position. I am sure that you all realize that Sid is not only a source of strength and comfort, confidence to me but also to you because I believe that whereas Sid is young in age, young in heart, he nevertheless is perhaps the father confessor for all of us. Sid, congratulations and I am sure you realize from the expressions made by the Senators who spoke in your behalf the high opinion that we all hold for you and your staff. Now, won't you say a few words please."

REMARKS BY SIDNEY R. SNYDER

Mr. Snyder: "Thank you, Governor, Senators, Justice Hamilton. I certainly appreciate the vote of confidence, and any credit that I have received in the speeches here today really should go to my staff because they are the ones that perform the work and do the duties around here and we only hope that when the end of the session rolls around

that you are saying as many kind things then as you have today. Thank you."

The committee of honor escorted Sidney R. Snyder from the Senate Chamber.

SERGEANT AT ARMS

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

REMARKS BY SENATOR HENRY

Senator Henry: "Mr. President and members of the Senate, since 1956 it has been my pleasure to place in nomination the name of our present Sergeant at Arms, Charles Johnson. I served with him in the House in '51. He took on the thankless job in the House in '55 of being Sergeant at Arms. He has since come over to be Sergeant at Arms in the Senate. I do not think there is any one of you that has not made a lot of demands on his time and as I say, it is a thankless job but he has done a good job at it. I suggest the name of Charles Johnson."

REMARKS BY SENATOR KNOBLAUCH

Senator Knoblauch: "Mr. President and members of the Senate, since I first came to Olympia as a bill room clerk in 1939 I have met a lot of fine men in both Houses. I had the pleasure of serving with Charlie Johnson in the House in 1951 and I must say he has grown in stature since that time. Charlie is always friendly, anxious to help, and it is a pleasure to second the nomination of Charles Johnson as Sergeant at Arms."

MOTION

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

ROLL CALL

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

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—49.

APPOINTMENT OF SPECIAL COMMITTEE

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

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

PRESIDENT'S PRIVILEGE

The President: "The President wishes to offer his congratulations to Charles Johnson upon election as Sergeant at Arms. The Sergeant at Arms position is often-

times quite arduous and difficult but Charles does a wonderful job for the members of the Senate."

REMARKS BY CHARLES JOHNSON

Mr. Johnson: "Thank you, Governor. Thank you very much. I appreciate serving with you and for you and it really is a great honor. Thank you."

The committee of honor escorted Charlie Johnson from the Senate Chamber.

COMMITTEE FROM THE HOUSE

A committee from the House consisting of Representatives North, Hansey and Gallagher appeared before the bar of the Senate to notify the Senate that the House was organized and ready to transact business.

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

MOTION

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

SENATE RESOLUTION 1975-1

By Senators Bailey, Mardesich, Lewis (Harry) and Matson:

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

The President appointed Senators Goltz, McDermott and Buffington as a committee of three to notify the House that the Senate is organized and ready to transact business.

MOTION

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

MOTION

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

SENATE RESOLUTION 1975-2

By Senators Bailey, Mardesich, Lewis (Harry) and Matson:

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 Mardesich, the following resolution was adopted:

SENATE RESOLUTION 1975-3

By Senators Bailey, Mardesich, Lewis (Harry) and Matson:

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BE IT RESOLVED, That the state treasurer and budget director be, and they are hereby directed to draw their 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 they are hereby authorized and directed to deliver the warrants to the Secretary of the Senate, taking their receipt therefor.

BE IT FURTHER RESOLVED, That the Secretary of the Senate is authorized and directed to provide each member the necessary supplies, equipment and materials required to operate the Senate.

APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators Francis and Clarke to escort the Honorable Orris L. Hamilton from the Senate Chamber.

REPORT OF SPECIAL COMMITTEE

The special committee consisting of Senators Goltz, McDermott and Buffington appeared before the bar of the Senate to notify the Senate that the House was organized and ready to transact business.

The report was received and the committee retired.

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

MESSAGE FROM THE HOUSE

January 13, 1975.

Mr. President: The House has adopted:
HOUSE CONCURRENT RESOLUTION NO. 1,
HOUSE CONCURRENT RESOLUTION NO. 2, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

INTRODUCTION AND FIRST READING

HOUSE CONCURRENT RESOLUTION NO. 1, by Representative Charette:
Notifying Governor that legislature is organized.

MOTIONS

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

On motion of Senator Mardesich, 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

The President appointed Senators Washington, Guess and Talley to serve as a committee of three from the Senate, in accordance with House Concurrent Resolution No. 1, to join with a like committee from the House to notify the Governor that the legislature is organized and ready to transact business.

MOTION

On motion of Senator Mardesich, the appointees were confirmed.

INTRODUCTION AND FIRST READING

HOUSE CONCURRENT RESOLUTION NO. 2, by Representative Charette:
Receiving State of the State message from Governor Evans.

MOTIONS

On motion of Senator Mardesich, House Concurrent Resolution No. 2 was advanced to second reading and read the second time in full.

On motion of Senator Mardesich, House Concurrent Resolution No. 2 was advanced to third reading, the second reading considered the third, and the resolution was adopted.

At 1:30 p.m., on motion of Senator Mardesich, the Senate recessed until 6:00 p.m.

EVENING SESSION

The President called the Senate to order at 6:00 p.m.

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

MESSAGE FROM THE HOUSE

January 13, 1975.

Mr. President: The Speaker has signed:

HOUSE CONCURRENT RESOLUTION NO. 1,

HOUSE CONCURRENT RESOLUTION NO. 2, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

REPORT OF SPECIAL COMMITTEE

The special committee consisting of Senators Washington, Guess and Talley appeared before the bar of the Senate to report that the Governor had been notified, under the provisions of House Concurrent Resolution No. 1, that the legislature was organized and ready to transact business.

The committee retired.

SIGNED BY THE PRESIDENT

The President signed:

HOUSE CONCURRENT RESOLUTION NO. 1,

HOUSE CONCURRENT RESOLUTION NO. 2.

MOTION

On motion of Senator Lewis (R. H. "Bob"), Senator Cunningham was excused. There being no objection, Senator Bottiger was excused.

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

MESSAGE FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENT

January 13, 1975.

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:

Julia Butler Hansen, appointed January 1, 1975 for a term ending July 1, 1980, succeeding Harold Walsh as a member of the State Highway Commission.

Sincerely,
DANIEL J. EVANS
Governor.

MOTIONS

On motion of Senator Mardesich, the Senate commenced consideration of the appointment of Julia Butler Hansen to the State Highway Commission.

Senator Walgren moved the appointment of Julia Butler Hansen as a member of the State Highway Commission be confirmed.

REMARKS BY SENATOR WALGREN

Senator Walgren: Mr. President and members of the Senate, ordinarily a confirmation, of course, would be submitted to the appropriate standing committee for consideration. I am sure all of you are well aware that the Honorable Julia Butler Hansen has been a colleague of many of us here now serving in the Senate. She has, of course, a long and distinguished career and particularly in the area of highways and transportation. She, of course, has just recently completed a distinguished term of office as a member of the House of Representatives in the United States Congress and, of course, for many years served in the State House of Representatives where she served as chairman of the then Highways Committee. One of the things that I sometime want to ask her is just exactly how she was able to get — I think it is twelve votes for the members of the House and only eleven votes for the members of the Senate whenever we organized the Joint Committee on Transportation. That must be a very interesting story and I hope that sometime she will relate that to those of us who are interested and I can assure you that a number of us are.

"I asked earlier today whether or not there were any members of the Transportation and Utilities Committee that wanted to have the opportunity of interrogating Julia Butler Hansen and all declined, for reasons best known to them, I suspect. I know that all of you are looking forward to having her serve as a member of this very important body of state government and I certainly urge her confirmation tonight."

REMARKS BY SENATOR NEWSCHWANDER

Senator Newschwander: "Mr. President, I would like to rise, as a member of the minority here, to second the nomination of Julia Butler Hansen. She left the House the year that I started there and I have heard about her for fourteen years. She has a distinguished record as chairman of the Highway Committee for many years before I arrived in the House and I cannot think of anybody else who is more qualified to serve on this commission so I would like to second the nomination of Mrs. Hansen."

REMARKS BY SENATOR WASHINGTON

Senator Washington: "Mr. President and members of the Senate, I too want to second the appointment and nomination of Julia Butler Hansen. I served with her when she was chairman of the Highway Committee in the House and then for a number of years when she was still chairman of the Transportation Committee, the Highway Committee in the House. I was chairman here in the Senate, and we worked together very well and I know that she will really add to the stature of the commission. She has

got a real background, not only from the state level, but she was tremendously active in transportation problems in Congress. She will really handle that job and again I want to compliment the chairman of the Transportation Committee in bringing the appointment directly to the floor because I know of no other appointment of the Governor that we could more wholeheartedly all of us support."

REMARKS BY SENATOR TALLEY

Senator Talley: "I rise to second the nomination of Julia. I have known her all my political life and I learned some political strategy from her and I have got some scars to prove it. We especially feel in southwest Washington that she will look out for our interests against the inroads of Puget Sound, so I am happy to second the nomination."

REMARKS BY SENATOR BAILEY

Senator Bailey: "Mr. President, I just want to say a word that I am not under any conflict of interest tonight about Julia because that ceased in the first of the year. If anybody can bring back to the Highway Commission the leadership it needs and has not had for about ten years — the problem it is causing now with threats of being disbanded and things of that sort — I think that Julia is probably the one that can sink the pick into the seats of the rest of the members and I think that really if anything is wrong with the Highway Commission now, it is good for continuity of program. I do not want to see it abandoned. I know Julia was the author of the bill that established the Highway Commission. If anything is wrong with the Highway Commission, it is the fact that it has lost contact with the average citizen. It listens to the department. It comes in, it lays out the department's program. It does not have any contact with the average citizen to sell their highway program. They have gone on their merry way and kind of retreated behind a shell in the building over there, and I think that the rest of the Highway Commission, if nothing else is said about Julia, and she will be a great Commissioner, but the least that can be said is that the other four members are going to know that she is there."

REMARKS BY SENATOR GUESS

Senator Guess: "I would like to also add my word for the seconding and for the confirmation of Julia. I can remember in 1955 on one of the hearings where the Commission came to the city of Spokane. The Commission heard a problem about a road that the Indians were particularly anxious to have built in the northern part of the state, and the road has not been built yet, and I would hope that when Julia comes back she will remember that the Chief told her that he would like to have that built and that maybe this time we can get it built. It is a very short stretch of road up on the Canadian line that we never seem to get around to because of the priority, a way to get that road finished. Senator Bailey mentioned the fact that when Julia was there in the committee that the committee went around the state and they elicited the report. You not only had the formal part of the meeting but you were able to have a meeting and sit down and have dinner with the commission and it was a great treat to me at that time as a private citizen, before I got into the political field, to be able to sit and talk with them and find out the direction that they thought that the thing would go, and then they wanted to give and take with the citizens. And this is something that is needed. It is something that we have missed for a long time and I do not know of the same type of hearing having been held since she left the state. So it is very necessary and I think that Julia will do an outstanding job."

APPOINTMENT OF JULIA BUTLER HANSEN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Buffington, Clarke, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—47.

Excused: Senators Bottiger, Cunningham—2.

MESSAGES FROM THE GOVERNOR
 GUBERNATORIAL APPOINTMENTS

January 13, 1975.

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:

Stewart Bledsoe, appointed January 20, 1973 for a term ending at the governor's pleasure, succeeding Donald Moos as Director of the Department of Agriculture.

Sincerely,
 DANIEL J. EVANS
 Governor.

Referred to Committee on Agriculture.

January 13, 1975.

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 S. Larsen, appointed March 20, 1974 for a term ending at the governor's pleasure, succeeding Robert Anderson as Director of the Department of Commerce and Economic Development.

Sincerely,
 DANIEL J. EVANS
 Governor.

Referred to Committee on State Government.

January 13, 1975.

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 Angier, appointed August 20, 1973, for a term ending at the governor's pleasure, succeeding John Gurnee as Director of the Department of General Administration.

Sincerely,
 DANIEL J. EVANS
 Governor.

Referred to Committee on State Government.

January 13, 1975.

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 Buffington, appointed December 21, 1974, for a term ending at the governor's pleasure, succeeding Wallace Miller as Director of the Office of Program Planning and Fiscal Management.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Ways and Means.

January 13, 1975.

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:

Mary Ellen McCaffree, appointed June 17, 1974 for a term ending at the governor's pleasure, succeeding George Kinnear as Director of the Department of Revenue.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Ways and Means.

January 13, 1975.

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 W. Hemstad, appointed July 1, 1973 for a term ending at the governor's pleasure, succeeding Richard Slavin as Director of Planning and Community Affairs.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on State Government.

January 13, 1975.

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:

Norman A. Majer, appointed June 15, 1973 for a term ending on December 31, 1977, succeeding himself as a member of the Aeronautics Commission.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Transportation and Utilities.

January 13, 1975.

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 Felthous, appointed June 18, 1973 for a term ending on December 31,

1977, succeeding Howard Hettinger as a member of the Aeronautics Commission.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Transportation and Utilities.

January 13, 1975.

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:

Don L. Bell, appointed July 1, 1973 for a term ending December 31, 1977, succeeding Ben De St. Croix as a member of the Aeronautics Commission.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Transportation and Utilities.

January 13, 1975.

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:

Rick Ancheta, appointed April 11, 1972 for a term ending July 1, 1975, as a member of the Commission on Asian American Affairs.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on State Government.

January 13, 1975.

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:

Maxine Chan, appointed July 5, 1973 for a term ending July 1, 1976, succeeding herself as a member of the Commission on Asian American Affairs.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on State Government.

January 13, 1975.

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:

Cheryl Chow, appointed April 11, 1972 for a term ending July 1, 1975, succeeding herself as a member of the Commission on Asian American Affairs.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on State Government.

January 13, 1975.

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:

Rey Pascua, appointed July 5, 1973 for a term ending July 1, 1976, succeeding Frederic Cordova as a member of the Commission on Asian American Affairs.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on State Government.

January 13, 1975.

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:

Lois Fleming, appointed July 11, 1974 for a term ending July 1, 1977, succeeding herself as a member of the Commission on Asian American Affairs.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on State Government.

January 13, 1975.

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:

Frank Hattori, appointed July 11, 1974 for a term ending July 1, 1977, succeeding himself as a member of the Commission on Asian American Affairs.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on State Government.

January 13, 1975.

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 Hayasaka, appointed July 11, 1974 for a term ending July 1, 1977, succeeding himself as a member of the Commission on Asian American Affairs.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on State Government.

January 13, 1975.

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:

Don Kazama, appointed July 5, 1973 for a term ending July 1, 1976, succeeding himself as a member of the Commission on Asian American Affairs.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on State Government.

January 13, 1975.

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. Hae Soung Kim, appointed July 5, 1973 for a term ending July 1, 1976, succeeding himself as a member of the Commission on Asian American Affairs.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on State Government.

January 13, 1975.

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:

Joan Sparks, appointed July 5, 1973 for a term ending July 1, 1976, succeeding herself as a member of the Commission on Asian American Affairs.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on State Government.

January 13, 1975.

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 Lee, appointed July 11, 1974 for a term ending July 1, 1977, succeeding himself as a member of the Commission on Asian American Affairs.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on State Government.

January 13, 1975.

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:

Mako Nakagawa, appointed August 28, 1974 for a term ending July 1, 1976, succeeding Joe Okimoto as a member of the Commission on Asian American Affairs.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on State Government.

January 13, 1975.

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 Barrios, appointed January 24, 1974 for a term ending July 1, 1975, succeeding Fred Pagaduan as a member of the Commission on Asian American Affairs.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on State Government.

January 13, 1975.

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:

Nam Hi Knowles, appointed July 11, 1974 for a term ending July 1, 1977, as a member of the Commission on Asian American Affairs.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on State Government.

January 13, 1975.

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:

Ray Corpuz, appointed July 11, 1974 for a term ending July 1, 1977, as a member of the Commission on Asian American Affairs.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on State Government.

January 13, 1975.

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. James Watanabe, appointed April 11, 1972 for a term ending July 1, 1975, as a member of the Commission on Asian American Affairs.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on State Government.

January 13, 1975.

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:

Ben Woo, appointed April 11, 1972 for a term ending July 1, 1975, as a member of the Commission on Asian American Affairs.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on State Government.

January 13, 1975.

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:

Reverend Bob Yamashita, appointed April 11, 1972 for a term ending July 1, 1975, as a member of the Commission on Asian American Affairs.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on State Government.

January 13, 1975.

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. Isabella Yen, appointed July 11, 1974 for a term ending July 1, 1977, succeeding herself as a member of the Commission on Asian American Affairs.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on State Government.

January 13, 1975.

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 A. Earley, appointed October 17, 1973 for a term ending June 30, 1979, succeeding himself as a member of the Canal Commission.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Transportation and Utilities.

January 13, 1975.

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:

Ray E. Davis, appointed October 17, 1973 for a term ending June 30, 1979, succeeding himself as a member of the Canal Commission.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Transportation and Utilities.

January 13, 1975.

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 K. Morford, appointed April 3, 1974 for a term ending April 3, 1978, succeeding himself as a member of the State Board for Community College Education.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Higher Education.

January 13, 1975.

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:

Louis Soriano, appointed April 3, 1974 for a term ending April 3, 1978, succeeding himself as a member of the State Board for Community College Education.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Higher Education.

January 13, 1975.

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:

Jean H. Ludwick, appointed November 26, 1974 for a term ending April 3, 1976, succeeding John Hagensen as a member of the State Board for Community College Education.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Higher Education.

January 13, 1975.

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:

Merlin Traylor, appointed July 17, 1973 for a term ending July 1, 1976 as a member of the Emergency Medical and Ambulance Review Committee.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Social and Health Services.

January 13, 1975.

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:

Mrs. Zoe B. Lucke, appointed July 17, 1973 for a term ending July 1, 1976 as a member of the Emergency Medical and Ambulance Review Committee.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Social and Health Services.

January 13, 1975.

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 Philbin, appointed July 17, 1973 for a term ending July 1, 1976 as a member of the Emergency Medical and Ambulance Review Committee.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Social and Health Services.

January 13, 1975.

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:

Anna Mae Ericksen, appointed July 30, 1974 for a term ending July 1, 1977, succeeding herself as a member of the Emergency Medical and Ambulance Review Committee.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Social and Health Services.

January 13, 1975.

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:

Matthew Hayes, M.D., appointed July 17, 1973 for a term ending July 1, 1975, as a member of the Emergency Medical and Ambulance Review Committee.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Social and Health Services.

January 13, 1975.

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 Henry, M.D., appointed July 17, 1973 for a term ending July 1, 1976, as a member of the Emergency Medical and Ambulance Review Committee.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Social and Health Services.

January 13, 1975.

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:

Peter T. Brooks, M.D., appointed July 17, 1973 for a term ending July 1, 1976, as a member of the Emergency Medical and Ambulance Review Committee.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Social and Health Services.

January 13, 1975.

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:

Rance Freeman, appointed July 30, 1974 for a term ending July 1, 1977, succeeding himself as a member of the Emergency Medical and Ambulance Review Committee.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Social and Health Services.

January 13, 1975.

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:

Jay M. Kranz, M.D., appointed July 17, 1973 for a term ending July 1, 1975, as a member of the Emergency Medical and Ambulance Review Committee.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Social and Health Services.

January 13, 1975.

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:

Axel Julin, appointed January 14, 1975 for a term ending January 1, 1981, as a member of the Forest Practices Appeals Board.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Natural Resources.

January 13, 1975.

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 Smart, appointed January 1, 1975 for a term ending January 1, 1977, as a member of the Forest Practices Appeals Board.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Natural Resources.

January 13, 1975.

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:

Thomas O. Wimmer, appointed January 1, 1975 for a term ending January 1, 1979, as a member of the Forest Practices Appeals Board.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Natural Resources.

January 13, 1975.

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:

Albert L. Pasquan, appointed July 13, 1973 for a term ending July 1, 1979, as a member of the Gambling Commission.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on State Government.

January 13, 1975.

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:

Andrew Zuarri, appointed July 13, 1973 for a term ending July 1, 1975, as a member of the Gambling Commission.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on State Government.

January 13, 1975.

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:

Michael Donohue, appointed July 13, 1973 for a term ending July 1, 1977, as a member of the Gambling Commission.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on State Government.

January 13, 1975.

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:

Camden M. Hall, appointed July 13, 1973 for a term ending July 1, 1978, as a member of the Gambling Commission.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on State Government.

January 13, 1975.

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:

Oliver C. Furseth, appointed July 13, 1973 for a term ending July 1, 1976, as a member of the Gambling Commission.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on State Government.

January 13, 1975.

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 I. Eyring, appointed September 26, 1974 for a term ending March 1, 1979, as a member of the Health Care Facilities Authority.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Social and Health Services.

January 13, 1975.

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:

Walter Howe, appointed July 10, 1974 for a term ending June 30, 1977, succeeding Carlton Lewis as a member of the Council on Higher Education.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Higher Education.

January 13, 1975.

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 M. Humphrey, appointed November 26, 1974 for a term ending June 30, 1975, succeeding Richard Albrecht as a member of the Council on Higher Education.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Higher Education.

January 13, 1975.

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:

Howard Sorenson, appointed July 1, 1973 for a term ending July 1, 1978, succeeding Lorna Ream as a member of the State Highway Commission.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Transportation and Utilities.

January 13, 1975.

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 Gunby, appointed June 21, 1973 for a term ending July 1, 1979, succeeding John N. Rupp as a member of the State Highway Commission.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Transportation and Utilities.

January 13, 1975.

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:

Herman Sarkowsky, appointed January 25, 1974 for a term ending January 16, 1975, succeeding Douglas Wilson as a member of the Horse Racing Commission.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on State Government.

January 13, 1975.

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:

Howard S. Wright, appointed March 16, 1973 for a term ending January 14, 1977, succeeding Robert Earley as a member of the Horse Racing Commission.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on State Government.

January 13, 1975.

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:

Rudolfo Cortez, appointed July 18, 1973 for a term ending July 1, 1977, succeeding himself as a member of the Mexican American Affairs Commission.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on State Government.

January 13, 1975.

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:

Eddy Esparza, appointed July 18, 1973 for a term ending July 1, 1977, succeeding Raymond Lopez as a member of the Mexican American Affairs Commission.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on State Government.

January 13, 1975.

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 Gaudiana, appointed July 18, 1973 for a term ending July 1, 1977, succeeding Guadalupe Gamboa as a member of the Mexican American Affairs Commission.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on State Government.

January 13, 1975.

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:

Rod Sanchez, appointed July 18, 1973 for a term ending July 1, 1977, succeeding Martin Yanez as a member of the Mexican American Affairs Commission.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on State Government.

January 13, 1975.

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:

Mrs. Guadalupe Zuniga, appointed July 18, 1973 for a term ending July 1, 1977, succeeding Theresa A. De Shepro as a member of the Mexican American Affairs Commission.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on State Government.

January 13, 1975.

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:

Max Perez, appointed July 18, 1973 for a term ending July 1, 1977, succeeding Tino Cervantes as a member of the Mexican American Affairs Commission.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on State Government.

January 13, 1975.

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:

Adan Farias Tijerina, appointed August 3, 1971 for a term ending July 1, 1975, as a member of the Mexican American Affairs Commission.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on State Government.

January 13, 1975.

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:

Margaret Zamudio, appointed August 21, 1974 for a term ending July 1, 1975, succeeding Tomas Villanueva as a member of the Mexican American Affairs Commission.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on State Government.

January 13, 1975.

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. Zenaido Camacho, appointed August 3, 1971 for a term ending July 1, 1975, as a member of the Mexican American Affairs Commission.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on State Government.

January 13, 1975.

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:

Keo J. Capestany, appointed August 3, 1971 for a term ending July 1, 1975, as a member of the Mexican American Affairs Commission.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on State Government.

January 13, 1975.

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:

Thomas Cerna, Jr., appointed August 3, 1971 for a term ending July 1, 1975, as a member of the Mexican American Affairs Commission.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on State Government.

January 13, 1975.

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:

Fred Huleen, appointed January 4, 1975 for a term ending January 4, 1981, succeeding George Holifield as a member of the State Personnel Board.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on State Government.

January 13, 1975.

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 Stipek, appointed September 11, 1974 for a term ending January 4, 1979, succeeding Sam Kinville as a member of the State Personnel Board.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on State Government.

January 13, 1975.

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:

Edyrn H. Jones, appointed August 15, 1973 for a term ending January 18, 1977, succeeding Claude Edgren as a member of the State Board of Pharmacy.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Social and Health Services.

January 13, 1975.

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:

Ted Taniguchi, appointed August 15, 1973 for a term ending January 18, 1975, as a member of the State Board of Pharmacy.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Social and Health Services.

January 13, 1975.

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:

Kathryn L. Osborne, appointed August 17, 1973 for a term ending January 18, 1976, as a member of the State Board of Pharmacy.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Social and Health Services.

January 13, 1975.

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:

Chris Smith, appointed June 28, 1974 for a term ending July 1, 1980, succeeding Mary Ellen McCaffree as a member of the Pollution Control Hearings Board.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Ecology.

January 13, 1975.

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:

J. Franklyn Johnson, appointed October 1, 1974 for a term ending April 15, 1978, succeeding Dale Bridges as a member of the Board of Prison Terms and Paroles.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Judiciary Committee.

January 13, 1975.

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:

Eugene M. Corr, appointed September 1, 1974 for a term ending April 15, 1979, succeeding Donald Sullivan as a member of the Board of Prison Terms and Paroles.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Judiciary Committee.

January 13, 1975.

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 Berry, appointed May 31, 1972 for a term ending April 15, 1977, succeeding himself as a member of the Board of Prison Terms and Paroles.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Judiciary Committee.

January 13, 1975.

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:

Helen Ratcliff, appointed July 23, 1974 for a term ending April 15, 1979, succeeding herself as a member of the Board of Prison Terms and Paroles.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Judiciary Committee.

January 13, 1975.

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 Gregson, appointed December 31, 1973 for a term ending December 31, 1978, succeeding herself as a member of the Public Disclosure Commission.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Constitution and Elections.

January 13, 1975.

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:

R. Mort Frayn, appointed April 12, 1974 for a term ending March 10, 1980, succeeding himself as a member of the University of Washington Board of Regents.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Higher Education.

January 13, 1975.

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 F. Philip, appointed April 12, 1974 for a term ending March 10, 1980, succeeding himself as a member of the University of Washington Board of Regents.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Higher Education.

January 13, 1975.

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 Tenney, appointed May 23, 1973 for a term ending March 1, 1979, succeeding himself as a member of the Board of Tax Appeals.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Ways and Means.

January 13, 1975.

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:

Joan Thomas, appointed July 1, 1974 for a term ending March 1, 1975, succeeding James Stanford as a member of the Board of Tax Appeals.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Ways and Means.

January 13, 1975.

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:

Herbert Hadley, appointed March 16, 1974 for a term ending March 15, 1980, succeeding himself as a member of the Board of Trustees of The Evergreen State College.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Higher Education.

January 13, 1975.

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:

Halvor Halvorson, appointed March 13, 1973 for a term ending March 15, 1979, succeeding himself as a member of the Board of Trustees of The Evergreen State College.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Higher Education.

January 13, 1975.

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:

Ark G. Chin, appointed April 22, 1974 for a term ending March 16, 1980, succeeding Harold Philbrick as a member of the Board of Trustees of Western Washington State College.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Higher Education.

January 13, 1975.

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:

Henry V. Charnell, Jr., appointed April 22, 1974 for a term ending April 3, 1979, succeeding himself as a member of the Board of Trustees of Community College District Number One, Peninsula Community College.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Higher Education.

January 13, 1975.

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:

Edwin Van Syckle, appointed April 22, 1974 for a term ending April 3, 1979, succeeding himself as a member of the Board of Trustees of Community College District Number Two, Grays Harbor Community College.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Higher Education.

January 13, 1975.

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. Bruce Craswell, appointed April 4, 1974 for a term ending April 3, 1979, succeeding himself as a member of the Board of Trustees of Community College District Number Three, Olympic Community College.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Higher Education.

January 13, 1975.

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 Strong, appointed May 14, 1974 for a term ending April 3, 1979, succeeding H. P. Creel as a member of the Board of Trustees of Community College District Number Four, Skagit Valley Community College.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Higher Education.

January 13, 1975.

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:

Alice Brooks, appointed April 22, 1974 for a term ending April 3, 1977, succeeding Barney Beeksma as a member of the Board of Trustees of Community College District Number Four, Skagit Valley Community College.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Higher Education.

January 13, 1975.

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:

Ramon J. Gould, appointed April 4, 1974 for a term ending April 3, 1979, succeeding himself as a member of the Board of Trustees of Community College District Number Five, Everett and Edmonds Community Colleges.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Higher Education.

January 13, 1975.

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:

Marvin E. Glass, appointed April 4, 1974 for a term ending April 3, 1979, succeeding himself as a member of the Board of Trustees of Community College District Number Six, Seattle Community College.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Higher Education.

January 13, 1975.

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:

Helen Sutton, appointed November 26, 1974 for a term ending April 3, 1978, succeeding Eugene Corr as a member of the Board of Trustees of Community College District Number Six, Seattle Community College.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Higher Education.

January 13, 1975.

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 G. Leonard, appointed April 4, 1974 for a term ending April 3, 1979, succeeding himself as a member of the Board of Trustees of Community College District Number Seven, Shoreline Community College.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Higher Education.

January 13, 1975.

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:

Delores Teutsch, appointed April 8, 1974 for a term ending April 3, 1979, succeeding B. T. Gardner as a member of the Board of Trustees of Community College District Number Eight, Bellevue Community College.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Higher Education.

January 13, 1975.

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 Le Penske, appointed April 4, 1974 for a term ending April 3, 1979, succeeding himself as a member of the Board of Trustees of Community College District Number Nine, Highline Community College.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Higher Education.

January 13, 1975.

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 F. Kennelly, appointed April 22, 1974 for a term ending April 3, 1979, succeeding himself as a member of the Board of Trustees of Community College District Number Ten, Green River Community College.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Higher Education.

January 13, 1975.

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:

Charlotte Chalker, appointed April 4, 1974 for a term ending April 3, 1979, suc-

ceeding herself as a member of the Board of Trustees of Community College District Number Eleven, Ft. Steilacoom Community College.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Higher Education.

January 13, 1975.

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 H. Lawrence, PhD, appointed April 4, 1974 for a term ending April 3, 1979, succeeding himself as a member of the Board of Trustees of Community College District Number Twelve, Centralia Community College.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Higher Education.

January 13, 1975.

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

LADIES and GENTLEMEN:

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

Elizabeth Doumit, appointed April 22, 1974 for a term ending April 3, 1979, succeeding Abe Martin as a member of the Board of Trustees of Community College District Number Thirteen, Lower Columbia Community College.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Higher Education.

January 13, 1975.

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:

Ronald Keil, appointed April 22, 1974 for a term ending April 3, 1979, succeeding himself as a member of the Board of Trustees of Community College District Number Fourteen, Clark Community College.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Higher Education.

January 13, 1975.

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:

Dianne E. Frichtl, appointed February 5, 1974 for a term ending April 3, 1977,

succeeding Loyd Hinds as a member of the Board of Trustees of Community College District Number Fourteen, Clark Community College.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Higher Education.

January 13, 1975.

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:

Melvin G. Hammer, appointed April 9, 1974 for a term ending April 3, 1979, succeeding himself as a member of the Board of Trustees of Community College District Number Fifteen, Wenatchee Valley Community College.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Higher Education.

January 13, 1975.

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:

Mary K. Skinner, appointed April 9, 1974 for a term ending April 3, 1979, succeeding Alex Deccio as a member of the Board of Trustees of Community College District Number Sixteen, Yakima Valley Community College.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Higher Education.

January 13, 1975.

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 L. Halpin, appointed August 14, 1973 for a term ending April 3, 1976, succeeding Paul Rickman as a member of the Board of Trustees of Community College District Number Sixteen, Yakima Valley Community College.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Higher Education.

January 13, 1975.

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:

Ellen Sax, appointed April 23, 1974 for a term ending April 3, 1979, succeeding

herself as a member of the Board of Trustees of Community College District Number Seventeen, Spokane Community College.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Higher Education.

January 13, 1975.

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:

Dean Judd, appointed April 30, 1974 for a term ending April 3, 1979, succeeding himself as a member of the Board of Trustees of Community College District Number Eighteen, Big Bend Community College.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Higher Education.

January 13, 1975.

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:

Marji Parker, appointed June 12, 1974 for a term ending April 3, 1979, succeeding Terrill H. Davis as a member of the Board of Trustees of Community College District Number Nineteen, Columbia Basin Community College.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Higher Education.

January 13, 1975.

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:

Gary Bergevin, appointed April 22, 1974 for a term ending April 3, 1979, succeeding Stephen Huntington as a member of the Board of Trustees of Community College District Number Twenty, Walla Walla Community College.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Higher Education.

January 13, 1975.

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:

Stanley Brunner, appointed April 9, 1974 for a term ending April 3, 1979, suc-

ceeding himself as a member of the Board of Trustees of Community College District Number Twenty)one, Whatcom Community College.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Higher Education.

January 13, 1975.

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:

Ellen Pinto, appointed May 14, 1974 for a term ending April 3, 1979, succeeding Dewey Tuggle as a member of the Board of Trustees of Community College District Number Twenty-two, Tacoma Community College.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Higher Education.

MOTION

On motion of Senator Mardesich, there being no objection, additional sponsors will be permitted on bills if approved by the prime sponsor.

INTRODUCTION AND FIRST READING

SENATE BILL NO. 2001, by Senators Benitz and Cunningham:

An Act relating to crimes and criminal procedures; amending section 118, page 96, Laws of 1854 as last amended by section 1, chapter 92, Laws of 1969 and RCW 9.68.010; amending section 19, chapter 256, Laws of 1969 ex. sess. and RCW 9.68.110; adding new sections to chapter 256, Laws of 1969 ex. sess. and to chapter 9.68 RCW; defining crimes; and prescribing penalties.

Referred to Judiciary Committee.

SENATE BILL NO. 2002, by Senators von Reichbauer, Lewis (R. H. "Bob") and Benitz:

An Act relating to fair campaign practices; adding new sections to chapter 1, Laws of 1973 and to chapter 42.17 RCW; and creating a new section.

Referred to Committee on Constitution and Elections.

SENATE BILL NO. 2003, by Senator Herr:

An Act relating to revenue and taxation; providing for the taxation of liquor in relation to its control and sale in this state; reducing the tax upon each retail sale of spirits in the original package from four cents to two cents per fluid ounce; amending section 5, chapter 5, Laws of 1949 (section 23-S-5, chapter 62, Laws of 1933 ex. sess.) and RCW 66.24.440; 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; and creating new sections.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2004, by Senators Herr and Ridder:

An Act relating to taxation and deferring certain retired persons' property taxes and creating a lien; adding new sections as a new chapter to Title 84 RCW; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2005, by Senator Herr:

An Act relating to revenue and taxation; providing for the taxation of liquor in relation to its control and sale in this state; reducing the tax upon each retail sale of spirits in the original package from four cents to two cents per fluid ounce; amending section 5, chapter 5, Laws of 1949 (section 23-S-5, chapter 62, Laws of 1933 ex. sess.) and RCW 66.24.440; 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; creating new sections; and providing for submission of this amendatory act to a vote of the people.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2006, by Senators Henry, Beck, Talley, Stortini, Lewis (Harry), Knoblauch, Benitz, Goltz and Wanamaker:

An Act relating to state government; creating the department of veterans affairs; amending section 1, chapter 11, Laws of 1971 and RCW 43.17.010; amending section 2, chapter 11, Laws of 1971 and RCW 43.17.020; amending section 43.61.030, chapter 8, Laws of 1965 as last amended by section 5, chapter 189, Laws of 1971 ex. sess. and RCW 43.61.030; amending section 43.61.040, chapter 8, Laws of 1965 as last amended by section 6, chapter 189, Laws of 1971 ex. sess. and RCW 43.61.040; amending section 43.61.050, chapter 8, Laws of 1965 as amended by section 35, chapter 18, Laws of 1970 ex. sess. and RCW 43.61.050; amending section 43.61.070, chapter 8, Laws of 1965 as amended by section 36, chapter 18, Laws of 1970 ex. sess. and RCW 43.61.070; adding a new chapter to Title 43 RCW; and providing an effective date.

Referred to Committee on State Government.

SENATE BILL NO. 2007, by Senators Henry, Beck, Stortini, Cunningham, Benitz and Guss:

An Act relating to crimes and punishments; amending section 12, page 78, Laws of 1854 as last amended by section 1, chapter 112, Laws of 1919 and RCW 9.48.030; amending section 13, page 78, Laws of 1854 as last amended by section 141, chapter 249, Laws of 1909 and RCW 9.48.040; amending section 14, page 78, Laws of 1854 as last amended by section 142, chapter 249, Laws of 1909 and RCW 9.48.050; amending section 16, page 78, Laws of 1854 as last amended by section 2, chapter 49, Laws of 1970 ex. sess. and RCW 9.48.060; amending section 2, chapter 133, Laws of 1955 and RCW 9.95.010; amending section 5, chapter 133, Laws of 1955 as amended by section 2, chapter 138, Laws of 1961 and RCW 9.95.040; amending section 1, chapter 239, Laws of 1951 and RCW 9.95.055; amending section 58, chapter 249, Laws of 1909 and RCW 10.19.010; amending section 87, page 115, Laws of 1854 as last amended by section 1062, Code of 1881 and RCW 10.49.010; adding a new section to chapter 249, Laws of 1909 and to chapter 9.48 RCW; prescribing penalties; and declaring an emergency.

Referred to Judiciary Committee.

SENATE BILL NO. 2008, by Senators Pullen and Benitz:

An Act relating to voting devices and vote tallying systems; adding a new section to chapter 29.34 RCW; and declaring an emergency.

Referred to Committee on Constitution and Elections.

SENATE BILL NO. 2009, by Senators Newschwander, Morrison and Benitz:

An Act relating to crimes and punishments; amending section 12, page 78, Laws of 1854 as last amended by section 1, chapter 112, Laws of 1919 and RCW 9.48.030; amending section 13, page 78, Laws of 1854 as last amended by section 141, chapter 249, Laws of 1909 and RCW 9.48.040; amending section 14, page 78, Laws of 1854 as last amended by section 142, chapter 249, Laws of 1909 and RCW 9.48.050; amending section 16, page 78, Laws of 1854 as last amended by section 2, chapter 49, Laws of 1970 1st ex. sess. and RCW 9.48.060; amending section 1, chapter 6, Laws of 1933 ex.

sess. and RCW 9.52.010; amending section 2, chapter 133, Laws of 1955 and RCW 9.95.010; amending section 5, chapter 133, Laws of 1955 as amended by section 2, chapter 138, Laws of 1961 and RCW 9.95.040; amending section 1, chapter 239, Laws of 1951 and RCW 9.95.055; amending section 58, chapter 249, Laws of 1909 and RCW 10.19.010; amending section 87, page 115, Laws of 1854 as last amended by section 1062, Code of 1881 and RCW 10.49.010; adding a new section to chapter 249, Laws of 1909 and chapter 9.48 RCW; providing for the submission of this act to the people; and prescribing penalties.

Referred to Judiciary Committee.

SENATE BILL NO. 2010, by Senator Rasmussen:

An Act relating to workman's compensation; and amending section 17, chapter 289, Laws of 1971 ex. sess. as last amended by section 3, chapter 110, Laws of 1973 and RCW 51.32.073.

Referred to Committee on Labor.

SENATE BILL NO. 2011, by Senators Odegaard, Stortini, Jolly and Rasmussen:

An Act relating to school holidays; amending section 13, chapter 283, Laws of 1969 ex. sess. as amended by section 1, chapter 32, Laws of 1973 and RCW 28A.02.061; amending section 12, chapter 15, Laws of 1970 ex. sess. and RCW 28A.02.070; and declaring an emergency.

Referred to Committee on Education.

SENATE BILL NO. 2012, by Senators Odegaard and Talley:

An Act relating to county law libraries; amending section 1, chapter 94, Laws of 1925 ex. sess. as last amended by section 1, chapter 141, Laws of 1971 ex. sess. and RCW 27.24.062; amending section 3, chapter 167, Laws of 1933 as amended by section 2, chapter 141, Laws of 1971 ex. sess. and RCW 27.24.063; amending section 3, chapter 167, Laws of 1933 and RCW 27.24.064; amending section 3, chapter 167, Laws of 1933 and RCW 27.24.065; amending section 3, chapter 167, Laws of 1933 and RCW 27.24.066; and amending section 3, chapter 167, Laws of 1933 and RCW 27.24.067.

Referred to Committee on Higher Education.

SENATE BILL NO. 2013, by Senators Guess, Donohue, Lewis (R. H. "Bob") and Talley:

An Act relating to shoreline management; and amending section 3, chapter 286, Laws of 1971 ex. sess. as amended by section 1, chapter 203, Laws of 1973 1st ex. sess. and RCW 90.58.030.

Referred to Committee on Ecology.

SENATE BILL NO. 2014, by Senators Guess and Rasmussen:

An Act relating to state government; amending section 3, chapter 62, Laws of 1970 ex. sess. and RCW 43.21A.030; and adding new sections to chapter 8, Laws of 1965 and to chapter 43.30 RCW.

Referred to Committee on State Government.

SENATE BILL NO. 2015, by Senators Talley, Wanamaker and Rasmussen:

An Act relating to revenue and taxation; 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 new sections to chapter 15, Laws of 1961 and to chapter 84.40 RCW.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2016, by Senators Talley and Beck:

An Act relating to motor vehicle licenses for disabled veterans; and amending section 1, chapter 178, Laws of 1949 as last amended by section 1, chapter 60, Laws of 1972 ex. sess. and RCW 73.04.110.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2017, by Senator Pullen:

An Act relating to elections; adding a new section to chapter 9, Laws of 1965 and to chapter 29.04 RCW; providing penalties; and prescribing an effective date.

Referred to Committee on Constitution and Elections.

SENATE BILL NO. 2018, by Senators Guess and Rasmussen:

An Act relating to shoreline land use planning; and adding a new section to chapter 90.58 RCW.

Referred to Committee on Ecology.

SENATE BILL NO. 2019, by Senators Rasmussen, Guess, Bailey, Beck, Talley, Stortini, Knoblauch and Benitz (by State Treasurer request):

An Act relating to veterans benefits; amending section 2, chapter 154, Laws of 1972 ex. sess. and RCW 73.34.020; amending section 10, chapter 154, Laws of 1972 ex. sess. and RCW 73.34.090; and amending section 13, chapter 154, Laws of 1972 ex. sess. as amended by section 2, chapter 173, Laws of 1974 ex. sess. and RCW 73.34.120.

Referred to Committee on State Government.

SENATE BILL NO. 2020, by Senator Herr:

An Act relating to the establishment and operation of a state lottery; creating a new chapter in Title 67 RCW; adding a new section to chapter 218, Laws of 1973 1st ex. sess. and to chapter 9.46 RCW; creating new sections; prescribing penalties; providing for submission of this act to a vote of the people; and making an appropriation.

Referred to Committee on State Government.

SENATE BILL NO. 2021, by Senators Fleming, Jolly, Talley, Lewis (R. H. "Bob"), Murray, Ridder, Beck and Sellar (by request of Committee on Local Government of the forty-third legislature):

An Act relating to local government; adding a new section to chapter 96, Laws of 1974 ex. sess. and to chapter 19.27 RCW; and declaring an emergency.

Referred to Committee on Local Government.

SENATE BILL NO. 2022, by Senators Van Hollebeke and Talley:

An Act relating to revenue and taxation; and adding a new section to chapter 82.08 RCW.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2023, by Senator Beck:

An Act relating to odometers; amending section 7, chapter 112, Laws of 1969 and RCW 46.37.590; and repealing section 6, chapter 112, Laws of 1969 and RCW 46.37.580.

Referred to Judiciary Committee.

SENATE BILL NO. 2024, by Senator Walgren:

An Act relating to public highways; amending section 47.44.010, chapter 13, Laws of 1961 as last amended by section 7, chapter 108, Laws of 1967 and RCW 47.44.010; and amending section 47.44.020, chapter 13, Laws of 1961 and RCW 47.44.020.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 2025, by Senators Walgren, Talley and McDermott:

An Act relating to property taxes; amending section 84.69.020, chapter 15, Laws of 1961 as last amended by section 2, chapter 122, Laws of 1974 ex. sess. and RCW 84.69.020.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2026, by Senators Walgren, Beck, Jones, Talley and Goltz:

An Act relating to revenue and taxation; and amending section 1, chapter 81, Laws of 1970 ex. sess. and RCW 84.36.350.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2027, by Senator Walgren:

An Act relating to securities and investments; and amending section 4, chapter 202, Laws of 1959 as last amended by section 31, chapter 292, Laws of 1971 ex. sess. and RCW 21.24.040.

Referred to Committee on Financial Institutions.

SENATE BILL NO. 2028, by Senator Herr:

An Act relating to the establishment and operation of a state lottery; creating a new chapter in Title 67 RCW; adding a new section to chapter 218, Laws of 1973 1st ex. sess. and to chapter 9.46 RCW; creating new sections; prescribing penalties; and making an appropriation.

Referred to Committee on State Government.

SENATE BILL NO. 2029, by Senator Pullen:

An Act relating to the legislature; providing for a reduction in the membership thereof; providing for districts and apportionment; creating a new chapter in Title 44 RCW; and repealing sections 1 through 58, chapter 6, Laws of 1965 and RCW 44.07A.005 through 44.07A.910.

Referred to Committee on Constitution and Elections.

SENATE BILL NO. 2030, by Senator Pullen:

An Act relating to the consumption of liquor in state parks; and amending section 3, chapter 208, Laws of 1971 ex. sess. and RCW 66.04.011.

Referred to Committee on Parks and Recreation.

SENATE BILL NO. 2031, by Senator Herr:

An Act relating to public safety; adding a new section to chapter 9.41 RCW; and declaring an emergency.

Referred to Judiciary Committee.

SENATE BILL NO. 2032, by Senators von Reichbauer and Gould:

An Act relating to school district superintendents; and amending section 28A.58.137, chapter 223, Laws of 1969 ex. sess. and RCW 28A.58.137.

Referred to Committee on Education.

SENATE BILL NO. 2033, by Senators Stortini and von Reichbauer:

An Act relating to boxing and wrestling; and amending section 2, chapter 48, Laws of 1951 as amended by section 1, chapter 53, Laws of 1973 and RCW 67.08.015.

Referred to Committee on Education.

SENATE BILL NO. 2034, by Senators Buffington and Beck:

An Act relating to state highway route number 160; and amending section 62, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.305.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 2035, by Senator Guess:

An Act relating to libraries; adding a new section to chapter 27.12 RCW; and declaring an emergency.

Referred to Committee on Higher Education.

SENATE BILL NO. 2036, by Senators Donohue, Odegaard, Wilson, Walgren, Rasmussen, Guess and Woody:

An Act relating to the administrative procedure act; amending section 3, chapter 237, Laws of 1967 as amended by section 17, chapter 250, Laws of 1971 ex. sess. and RCW 34.04.025; amending section 4, chapter 237, Laws of 1967 and RCW 34.04.027;

amending section 3, chapter 234, Laws of 1959 and RCW 34.04.030; adding a new section to chapter 234, Laws of 1959 and to chapter 34.04 RCW; and repealing section 1, chapter 186, Laws of 1963 and RCW 34.04.160.

MOTION

On motion of Senator Mardesich, Senate Bill No. 2036 was referred to the Committee on State Government.

SENATE BILL NO. 2037, by Senator Rasmussen:

An Act relating to inheritance tax exemptions; amending section 83.08.020, chapter 15, Laws of 1961 and RCW 83.08.020; and amending section 83.08.030, chapter 15, Laws of 1961 and RCW 83.08.030.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2038, by Senator Rasmussen:

An Act relating to environmentally hazardous wastes; creating a new chapter in Title 70 RCW; defining crimes; and prescribing penalties.

Referred to Committee on Ecology.

SENATE BILL NO. 2039, by Senator Beck:

An Act relating to traffic citations; and amending section 46.64.010, chapter 12, Laws of 1961 and RCW 46.64.010.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 2040, by Senator Rasmussen:

An Act relating to vital statistics; and amending section 18, chapter 83, Laws of 1907 as amended by section 6, chapter 5, Laws of 1961 ex. sess. and RCW 70.58.030.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2041, by Senator Knoblauch:

An Act relating to counties; and adding a new section to chapter 36.87 RCW.

Referred to Committee on Local Government.

SENATE BILL NO. 2042, by Senators Bailey and von Reichbauer:

An Act relating to the supreme court; and amending section 3, chapter 144, Laws of 1953 as last amended by section 3, chapter 149, Laws of 1974 ex. sess. and RCW 2.04.090.

Referred to Judiciary Committee.

SENATE BILL NO. 2043, by Senators Fleming, Morrison, Jones and McDermott:

An Act relating to education; setting forth a program to provide proper nutrition for school children; creating new sections; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.31 RCW; and providing penalties.

Referred to Committee on Education.

SENATE BILL NO. 2044, by Senators Rasmussen and Odegaard:

An Act relating to the governor; adding new sections to chapter 8, Laws of 1965 and to chapter 43.06 RCW; and providing for a referendum by the people.

Referred to Committee on State Government.

SENATE BILL NO. 2045, by Senator Rasmussen:

An Act relating to public accountants; and amending section 28, chapter 226, Laws of 1949 as last amended by section 1, chapter 23, Laws of 1973 1st ex. sess. and RCW 18.04.290.

Referred to Committee on Commerce.

SENATE BILL NO. 2046, by Senators Walgren, Beck and Talley:

An Act relating to gambling; amending section 1, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 1, chapter 155, Laws of 1974 ex. sess. and RCW 9.46.010; amending section 2, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 2, chapter 155, Laws of 1974 ex. sess. and RCW 9.46.020; amending section 3, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 3, chapter 155, Laws of 1974 ex. sess. and RCW 9.46.030; and amending section 7, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 4, chapter 155, Laws of 1974 ex. sess. and RCW 9.46.070.

Referred to Judiciary Committee.

SENATE BILL NO. 2047, by Senator Day:

An Act relating to the retention of hospital records; and adding a new section to chapter 70.41 RCW.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2048, by Senators Knoblauch, Wanamaker, Bailey, Jones and Beck (by request of Committee on Parks and Recreation of the forty-third legislature):

An Act relating to vessels and boating; adding a new chapter to Title 88 RCW, repealing section 84.36.090, chapter 15, Laws of 1961 and RCW 84.36.090; repealing section 8, chapter 200, Laws of 1907 and RCW 88.04.090; repealing section 9, chapter 200, Laws of 1907 and RCW 88.04.100; repealing section 15, chapter 200, Laws of 1907 and RCW 88.04.180; repealing section 11, chapter 200, Laws of 1907 and RCW 88.04.190; repealing section 25, chapter 200, Laws of 1907 and RCW 88.04.280; repealing section 1, chapter 72, Laws of 1933 and RCW 88.12.010; repealing section 2, chapter 72, Laws of 1933 and RCW 88.12.020; repealing section 3, chapter 72, Laws of 1933 and RCW 88.12.030; repealing section 4, chapter 72, Laws of 1933 and RCW 88.12.040; repealing section 5, chapter 72, Laws of 1933 and RCW 88.12.050; repealing section 6, chapter 72, Laws of 1933 and RCW 88.12.060; prescribing penalties; declaring an emergency; and providing effective dates.

Referred to Committee on Parks and Recreation.

SENATE BILL NO. 2049, by Senators Odegaard, von Reichbauer, Newschwander, Fleming and Murray (by request of Committee on Education of the forty-third legislature):

An Act relating to the state board of education; amending section 28A.04.060, chapter 223, Laws of 1969 ex. sess. as amended by section 25, chapter 238, Laws of 1969 ex. sess. and RCW 28A.04.060; and adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.04 RCW.

Referred to Committee on Education.

SENATE BILL NO. 2050, by Senators Day and Jones:

An Act relating to the hospital commission; and amending section 5, chapter 5, Laws of 1973 1st ex. sess. and RCW 70.39.040.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2051, by Senator Day:

An Act relating to business and professions; and amending section 11, chapter 283, Laws of 1947 as last amended by section 1, chapter 126, Laws of 1965 ex. sess. and RCW 18.43.080.

Referred to Committee on Commerce.

SENATE BILL NO. 2052, by Senator Talley:

An Act relating to state employees; requiring equal per capita allocation of general pay raises; creating new sections; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2053, by Senators Walgren, Newschwander, Sandison and Talley:

An Act relating to creation of the Washington state association of sheriffs and police chiefs; creating a new chapter in Title 43 RCW; and amending section 2, chapter 69, Laws of 1970 ex. sess. and RCW 44.04.170.

Referred to Committee on Local Government.

SENATE BILL NO. 2054, by Senators Sandison, Newschwander and Walgren:

An Act relating to business and professions; providing for the regulation of private security services and private investigation services; defining crimes; adding a new chapter to Title 19 RCW; and prescribing penalties.

Referred to Committee on Commerce.

SENATE JOINT MEMORIAL NO. 101, by Senator Rasmussen:

Requesting Congress to amend the United States Constitution on presidential and vice presidential succession.

Referred to Committee on Constitution and Elections.

SENATE CONCURRENT RESOLUTION NO. 101, by Senators Mardesich, Clarke, Goltz, Sandison, Jones and Bluechel:

Requesting establishment of the joint committee on Washington/British Columbia Governmental Cooperation.

Referred to Committee on State Government.

At 6:25 p.m., the Senate retired to the House Chamber to meet in Joint Session for the purpose of hearing the Honorable Daniel J. Evans, Governor of the state of Washington, address the members of the Legislature.

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 A. Cherberg; the President Pro Tempore of the Senate, Al Henry; and the Vice President Pro Tempore of the Senate, James E. Keefe, 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.

The President of the Senate presided and called the Joint Session to order.

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

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

The President announced that the purpose of the Joint Session was to receive the state of the State address from Governor Daniel J. Evans.

The President of the Senate appointed the following committee to notify the Governor that the Senate and the House were in Joint Session and ready to receive his message and to stand ready to escort the Governor to the rostrum: Senators Woody, Lewis (Harry) and Ridder; Representatives Charette, Chatalas and Newhouse.

The committee retired.

The President of the Senate appointed the following committee to escort the Supreme Court Justices from the State Reception Room to seats within the House Chamber: Senators Francis, Jones, Marsh and Lewis (R. H. "Bob"); Representatives Knowles, Eikenberry, Seeberger, Smith (Rick) and Hayner.

The committee retired.

The President of the Senate appointed the following committee to escort the elected state officials from the State Reception Room to seats within the House Chamber: Sena-

tors Rasmussen, Wanamaker and Beck; Representatives O'Brien, Ceccarelli and Flanagan.

The committee retired.

The Sergeants at Arms announced the arrival at the bar of the House of the Supreme Court Justices and the elected state officials. The President instructed the committees to escort them to seats at the front of the House Chamber.

The Sergeants at Arms of the Senate and the House announced the arrival at the bar of the House of the Honorable Daniel J. Evans, and the President of the Senate requested the committee to escort Governor Evans to a seat upon the rostrum.

The President of the Senate introduced the Honorable Daniel J. Evans, Governor of the State of Washington.

STATE OF THE STATE MESSAGE

The Governor: Mr. President, Mr. Speaker, ladies and gentlemen of the Legislature, members of the Court, State elected officials, and fellow citizens: Let me before beginning my formal remarks to this session of the legislature depart for a moment to recognize one who is seated in a place of honor at the front of the Chamber but who, this Wednesday of his own volition, steps down from public office. In 1965, January, we took the oath of office together, I as Governor, he as Secretary of State. During these past ten years he has served as a close colleague, a friend, a distinguished Secretary of State — fulfilling the constitutional and statutory duties of that office. But will be far long remembered by many citizens of this state who cannot speak for themselves, at least very loudly — the poor and the minorities, many of our young and the elderly — each of whom he has worked with closely in developing new legislation, new concepts, and in each case has advanced the cause of those who had little voice. I know I join with my colleagues in the legislature in wishing him the very best for future years, our thanks for a distinguished period of public service, and to you Secretary of State Lud Kramer, Godspeed.

I congratulate all of you who this morning took the oath of office for a new or a continuing term in this legislature. I remember vividly my own first day as a member of this House of Representatives and equally vivid the memories as ten years ago today when I stood in this place to be inaugurated as the sixteenth Governor of the State of Washington. Sometimes it's a benefit to look back into history even if it is your own history, to reread that inaugural address of 1965 and in that address I stated that Washington is truly among the favored states. We have not suffered the silt and smog of over-industrialization. We have not felt the oppressive overcrowding of population. Neither have our urban centers been blighted at the core. Our land is fertile, our water abundant, our cities clean, our people well-educated, and our industry progressive. Ten years have passed and I believe so strongly that those sentiments are equally valid today.

We have emerged from the incredible turmoil of the last decade. Turmoil in which our cities throughout the land have been turned topsy-turvy. Turmoil in which the campuses of higher education of this nation have seen riots and disruption as never before. Years in which we finally woke up to the problems of protecting the natural environment of this nation. Years of a great and long lasting war which went on to the increasing distaste of American citizens. And now at the end of that decade, facing up to problems of inflation, problems of economic setback nationally which we have seldom faced before. And the ultimate recognition that we can no longer be an island unto ourselves but our nation is more interdependent with other nations than ever before and our state is more interdependent with other states than ever before.

We have emerged from that incredible ten years with a unique state whose physical characteristics are still relatively unspoiled. We, and I speak now as the citizens of this state as well as those who have served in this legislature and in the executive and judicial branches, we have been good stewards. We are a people who have demonstrated the character to meet adversity and who possess the spirit to face the future with enthusiasm and vitality.

Over this past decade Washington citizens demonstrated clearly their belief in a quality environment for themselves and for their children. They demonstrated that they believe in an equality of all citizens under law. That they would stretch out a helping hand to those in need. That they would support continuing, outstanding educational opportunity and that they would hold those in position of power accountable for our actions.

Let's look shortly at the record of the past ten years: It is a record which was jointly constructed, jointly constructed by those who served at the state level as well as citizen leaders in each of our communities. In environmental quality, we established the nation's first Department of Ecology and enacted comprehensive air and water pollution legislation, preserved our ocean beaches as recreational havens for increasing thousands of Washington citizens, passed a comprehensive shorelines protection act now being emulated throughout this nation, enacted tough oil spill and strip mining bills long before they were considered at the national level. In education the first four-year college in seventy years in this state was initiated, a college which already has national recognition for its unique and exciting educational concepts. We established during these past ten years a state community college system and have seen its enrollment virtually quadruple during that period. Public expenditures for education, common school education, has not kept pace with the needs but at the state level has more than doubled on the per pupil basis. We lead the nation in education for the handicapped. The death rate on our highways has been reduced by more than thirty percent. We approved an equal rights amendment and a tough public disclosure act, again among the first in the nation. We approved nearly \$400 million of bonds for Washington Future and in doing so protected ourselves against the current economic downturn with the thousands of construction jobs in the offing for the next several years. We provided compensation for the victims of crime. We increased by more than six times production at our state fish hatcheries. Still not enough. We have kept polluting billboards from our scenic highways and we have authorized annual elections. Our warehouse-type institutions of yesterday are giving way to broadly based groups of community facilities offering new hopes to thousands of afflicted Washingtonians.

The roll call is much longer of accomplishments and we cannot now turn our backs on that legacy of excellence. We must not ignore the voice of our people expressed so many times in support of a better state. Our citizens do express belief and have many times in a system of representative democracy. But if we fail to act, they will and have seized leadership through the initiative and the referendum. No state in the nation has encouraged more citizen participation nor found a citizenry more willing, a citizenry more willing to devote more time and energy to public affairs. During the past year we have asked more explicitly for the views of our people to the goals of Alternatives for Washington. Now Alternatives for Washington doesn't pretend to be an all encompassing sole source of wisdom in how we react to the needs of our citizens. Obviously the major responsibility for direction of this state through its laws and constitution lies in the hands of the men and women gathered in this chamber tonight. But none the less, through Alternatives for Washington and its statewide polls and the comprehensive views expressed by a broad and representative group of now almost 65,000 citizens, I believe we do now have a better understanding, a better understanding than ever before of what our people are saying and what they would like to see for themselves and for their families. Listen to them speak through a few of the thousands of personal letters which accompanied Alternatives for Washington questionnaires:

"Alternatives for Washington was a welcome experience for me for reasons that have been all too obvious for a very, very long time: We, the people, have been the listeners."

"I think this method of getting the peoples' opinion is the best we have had yet. It is very good and should be continued and expanded."

An Auburn High School student who said she knew I wouldn't read this which was a challenge I couldn't pass up, said: "That I wouldn't want our state to be like California." Surprising the number of times that was repeated. And she also said something

we can all take to heart, "You old people are just messing up our beautiful state." She and her generation haven't had a chance yet.

Another one, "Too much of our beautiful landscape is being converted into junk food drive-ins, used car lots, shopping centers, and other commercial strip activities."

"I am very much in favor of planning for the future and am fully convinced this is the only way to preserve Washington, for preserve it we must."

"What we all would like is people caring more about each other's interests, and compromising more so that everyone has an equal chance — or as equal as each person's talents can handle." And a postscript to that note, a postscript which I suspect could be utilized by each of us a number of times: "And I don't know how you get that."

And a Port Angeles man wrote, "Pay more attention to what the people of the state think is best. Do what is best for our state and its population for I believe we have the best state and some of the best people in the world. Keep it a good and friendly place to live or visit."

Now those are not unique letters. They are representative of thousands which accompanied those questionnaires. Some others were letters of more fear and letters of individual concern. But they are letters from a people who spoke out strongly for a future of moderate and needed economic growth and even more moderate population growth. There is no more of the feeling here in our state that we must be first in population and each of our cities will be best only if it is biggest. They spoke very strongly, overwhelmingly for a top priority of protection of our natural environment and the conservation of our natural resources. They spoke loudly about the wealth of this state lying in its land and its people and our citizens urged the protection of our present agricultural and forest land base to preserve what we have so it could become the fundamental base for future economies, economies depending heavily on agricultural and forest products. But they said at the same time, let's rebuild our cities which too often have decayed and reinvigorate especially our smaller and medium-sized communities.

During these next ten years then, we have an opportunity, an opportunity to secure the long term future for ourselves and for our future generation. However, the next ten years begin with this next biennium. The policies we set and the bills we pass, the budget we adopt must be with the goals of the next generation in mind and not just the next election. As we face the legislative session now before us, again, the words of an inaugural of ten years ago represent clearly my position today as well. When I said then — "This administration believes steadfastly in the future; that our promise lies not in the past but before us. This administration will not shy away from new ideas for as we begin our deliberations here we can never fail to reckon with the opportunities of responsible change or with the requirements of changing responsibility. . . ." Today's problems require fresh and positive solutions and this administration will do everything within its legitimate province, request anything within its power and bear any burden necessary to assure that these solutions are offered to the people of the State of Washington.

Ten years ago I presented to this legislature a "Blueprint for Progress." This blueprint, concerned as it was with the state's needs of that time, was in large measure adopted in 1965 and by subsequent legislatures. I believe it is now time to lay out a new Blueprint for progress. A blueprint concerned with the needs of 1975 and the decade in front of us. Alternatives for Washington showed a great desire for added citizen participation, but there was also a deeply-felt and clearly and repetitively expressed dissatisfaction with the institutions of representative government.

There is no more serious threat to our society than an electorate which feels so frustrated by the governmental process that large numbers reject voting as an effective method of participation and who prefer that decisions be made by plebiscite rather than by their elected representatives. Some better method simply must be found to allow our citizens and elected representatives to work in partnership and in harmony on decisions which affect our future.

For this reason, I believe it urgent that the legislature provide the mechanism for the people to vote in 1975 on the question of a constitutional convention for our state. We could give ourselves no better bicentennial present than to reexamine our 86-year-old Constitution to see if, in fact, it is still responsive to today's needs.

I am not asking this legislature even to pass on the ultimate validity of that convention but merely to start the mechanism by passing a proposal which would allow the citizens of this state to vote on the issue of whether or not to embark on that constitutional convention in the elections of November, 1975. I believe it would be to the ultimate disinterest of this state and its citizens to celebrate the bicentennial year with as many people as possible involved in the question of searching each of our constitutional limitations and requirements and protections with a view toward writing a new Constitution to suit the needs of a space age and of a rapidly oncoming new century.

Pending a more general constitutional revision, I call for three specific amendments to our state's Constitution, in themselves a reflection of the need for more general revision. Amendments to allow assistance to students in private schools and to allow the use of the state's credit for pollution control and health care facilities, as well as for student loans and other useful purposes, would allow the carrying out of legislative mandates already created through passage of acts of the last several sessions. With the mid-term change in office, I believe it is now appropriate to seek the elimination of an elected basis of the office of Secretary of State. The functions of this office, the constitutional and statutory functions, can be and I believe should be appropriately combined with the licensing and regulatory functions now housed in the Department of Motor Vehicles and the Department of General Administration.

To build the Northwest lifestyle suggested so overwhelmingly by citizens through Alternatives for Washington some immediate actions should take priority. I support as the highest environmental legislation necessity that of providing a comprehensive land resource management program. And I pledge to work closely and continue to work closely with the legislature and with those representing local governments and citizen groups to achieve that important goal. And I hope this legislature will respond to that issue fast enough to beat the federal government to the punch. It seems to me that we need not respond only to federal mandate but should have the initiative and the courage to seek action prior to that mandate being laid upon us. I will also seek legislation in this area to preserve stretches of some of the finest, scenic, wild and recreation rivers existing any place in this nation. And within the next ten days I will seek the opportunity to deliver a special message to this legislature on energy, agriculture, and conservation. These three seemingly separate items have many common threads and the new proposals which will be made are proposals I believe to be exciting and necessary if we are to meet the increasing challenges of energy shortage and the rapidly increasing role of Washington as a national and even an international breadbasket to help feed a hungry world. New legislation will be sought both to meet emergencies of energy shortage as well as to provide more rapidly for additional sources of energy and ultimately food production.

Continued opportunity for our citizens demands continued excellence in education. Our budget, I believe, will maintain and even help enhance that already high degree of excellence. In addition, I will seek the designation of three of our state colleges as regional universities to reflect the reality of the offerings they now make.

And high on the list of citizens' concern regarding human needs, I will support proposals to modernize our parole system, to revise our juvenile court and criminal codes, and to establish a new judicial article for our Constitution. These proposals will help make justice in the state more even-handed and available more rapidly to all our citizens — a goal we ought to seek with the highest sense of urgency.

The escalating cost of medical care has helped bring financial catastrophe to too many Washington families. I propose to work closely with this legislature in the development of a catastrophic health care legislative package which would provide both for the medically indigent but also a backup protection for others of Washington citizens who do not qualify for public assistance medical care but who simply cannot handle without family catastrophe the problems of extended illness or serious accident. These are not easy measures. That is not an inexpensive package. But there is the possibility I believe, of initiating such legislation and in doing so perhaps even show to the Congress and to the rest of the nation that one state can take leadership uniquely and by themselves to provide better support for citizens needing that kind of help.

I will also seek legislation to allow the publishing of a formulary of prescription drugs which could allow the substitution of equal but lower cost drugs for many high priced name brands offered through prescription. This, in itself, could be of great benefit especially to the many elderly of our state who find the increasing cost of prescription drugs a serious incursion into their limited incomes.

The continuing work of government now is seldom dramatic but it is always open to additional efficiency. I will seek a new telecommunications division in the Department of General Administration to bring together all of the elements of communication within state government insofar as we can and in doing so, consolidate, strip out duplications, and save what we believe will be substantial sums of tax money. I will seek the authority to consolidate or, better yet, even eliminate unneeded state publications many of which are obsolete but still required by obsolete statutes. I will seek the consolidation of the administration of the six public pension systems in our state. I am not asking for a merger of the systems themselves or even a merger of the committees or commissions which run them, but merely the administrative merger of their day-to-day activities which, I believe, will save more than a third of a million dollars. I have mentioned already the seeking of the development of a Department of Records and Elections — all of these measures while dramatic are measures which can save state tax dollars. I will also seek something I believe is long overdue in this as well as many other states, a consolidated, simple state information service to provide each citizen free access to information about the complexities of government and quick referrals to those who can respond directly to their questions or their needs. Many more hundreds of times than you would expect people call the Governor's Office, not because they seek direct help from the Governor, but because they simply cannot find who it is in state government can respond to their needs.

While constitutional reform, energy, transportation, natural resources and the environment, human resources, education, justice, and the organization of government represent areas of specific legislation, it is unquestionably the budget for the 1975-77 biennium which represents perhaps our greatest challenge. The budget was finalized about the first of December of this year and presented formally to citizens of this state and to many of you on December 20. It is apparent that we are in a period nationally of rapid and drastic change. That rapid and drastic change will require us to keep constantly abreast of new needs, new requirements, and as a result new responses in terms of that budget. I expect to work closely with this legislature during the upcoming months to insure that when the budget of this state is finalized at the end of this session, it will be a budget that as closely as possible responds to the needs as we see them and the capabilities of our citizens as we then see them. The budget does propose major shifts in human resource programs. It provides additional support to maintain educational excellence and the continued expansion, the continued demand for education particularly in our community college system. It adequately funds for the first time in some years all of our state pension systems and it provides responsibly for salaries for public employees who have for too long been behind their colleagues in similar work outside of state government. The revenue necessary to support this budget does include a difficult and perhaps unpalatable increase in the business and occupation tax, but also a shift in our state sales tax system which would eliminate the sales tax on food and bring on the overall badly needed tax relief to nine out of ten Washington citizens and most importantly the most tax relief to those at the bottom end of the income scale.

In the process of preparing this budget additional areas of efficiency and economy were discovered and we will depend heavily on Washington's ongoing productivity program to help maintain a budget balance during the upcoming biennium. A budget balanced in the face of rapidly rising inflation, in the face of increasing economic uncertainty and the recognition that state government during a period of economic decline faces the dual challenge and the doubly difficult problem of lowering revenues while at the same time facing additional responsibilities for service particularly in the human welfare field.

I pledge then to work daily with you as we seek to build a budget and a legislative program which will best serve the needs of our citizens. While we all strive for a budget

which is sufficient without resort to new taxation, we must never use that goal as an excuse, as an excuse for failing in our responsibility to those of our children who seek educational opportunity, to those of our elderly and infirm who simply cannot help themselves, for the young children who are afflicted with mental retardation and who desperately need the assistance that will give them the maximum opportunity, limited though it may be, for a useful life. We cannot use this goal as an excuse for failure to protect the unique environment which is our Washington heritage. In short, I believe it increasingly important in the face of economic uncertainty and the times in which we live that this legislature and each member of this legislature as well as each member of the administration seek to find that ultimate balance of revenue and expenditure which will do the best job not just for today but in securing the future for the next decade and beyond.

The initiatives presented in this state of the state message and in the budget represent a positive and affirmative and a hopeful view of the future. They are messages not of fear but of hope, not of weakness but of strength, not of pessimism but of optimism about this state's future. In times of national malaise the temptation is strong in some to do nothing, to instead succumb to our own fears and even to turn to that other Washington three thousand miles away for fiscal salvation. I believe we can and hope we will resist that temptation. For some others the temptation may be equally strong to seek partisan advantage for the next election rather than measuring the needs of our citizens for future generations. This temptation, too, I hope we can all resist.

During my eighteen years in public service in this state, I have discovered among our citizens a deep and an unusual reservoir of kindness and generosity toward their neighbors. We are a people whose instincts are humane and who by and large are motivated by high ideals. On occasion we may falter but fundamentally our people are strong. And those of us who have been elected to serve the people and who now embark on a new and fresh legislative session must always keep before us the general interest rather than the special interest; to support what we believe to be right rather than merely expedient; and to never, never underestimate the abilities and the concerns of the three and a half million citizens of this State of Washington.

These times do demand greatness and there is greatness inherent in this as well as past legislative bodies which I believe over the years have served far better than citizens have been willing to credit. But citizens today need desperately to regain confidence in their elected officials. Beginning today let us strive to earn that desperately needed confidence of our citizens. There could be no greater response to the challenge of America's third century soon to begin, than that we finish the second century on a note of optimism, on a dedication to our future rather than just our present and to the theme of regaining by earning the confidence of all citizens of this state and the government which represents them.

Thank you.

The President of the Senate directed the special committee to escort His Excellency, Governor Daniel J. Evans, to his office.

The President of the Senate directed the special committee to escort the Chief Justice and members of the Washington State Supreme Court from the House Chamber.

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

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

MOTION

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

The Speaker directed the Sergeants at Arms of the Senate and the House to escort President Cherberg, President Pro Tempore Henry and Vice President Pro Tempore Keefe, and the members of the Senate to the Senate Chamber.

The President called the Senate to order at 7:45 p.m.

MOTION

At 7:47 p.m., on motion of Senator Bailey, the Senate adjourned until 11:00 a.m., Tuesday, January 14, 1975.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

SECOND DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, January 14, 1975.

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 Debbie Gregory and Reuben Knoblauch, presented the Colors. Doctor Henry S. Rahn, pastor emeritus of the First Baptist Church of Olympia, offered the following prayer:

"ETERNAL GOD OUR FATHER, THOU HAS COMMITTED TO US THE SWIFT AND SOLEMN TRUST OF LIFE. WE DO NOT KNOW WHAT A DAY MAY BRING FORTH BUT WE DO KNOW THAT THE HOUR FOR SERVING THEE AND OUR FELLOW MAN IS ALWAYS PRESENT. WE BEGIN THIS DAY THEN WITH THE INSTANT CLAIM UPON OUR LIVES OF THY HOLY WILL AND THE NEEDS BEFORE US. IN OUR MASTER'S NAME. AMEN."

MOTION

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

MOTIONS

On motion of Senator Mardesich, the number Senate Bill 2055 will be assigned to another bill on the introductions for Wednesday, January 15, 1975 since the bill given that number today is identical to one introduced on the previous day.

On motion of Senator Mardesich, there being no objection, additional sponsors will be permitted on bills if approved by the prime sponsor.

INTRODUCTION AND FIRST READING

SENATE BILL NO. 2056, by Senator Day:

An Act relating to the practice of massage; adding a new chapter to Title 18 RCW; and prescribing penalties.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2057, by Senators Day and McDermott:

An Act relating to hospital and medical facility planning; amending section 2, chapter 197, Laws of 1949 as amended by section 2, chapter 252, Laws of 1959 and RCW 70.40.020; amending section 3, chapter 197, Laws of 1949 as amended by section 3, chapter 252, Laws of 1959 and RCW 70.40.030; amending section 4, chapter 197, Laws of 1949 as amended by section 4, chapter 252, Laws of 1959 and RCW 70.40.040; amending section 6, chapter 197, Laws of 1949 as amended by section 6, chapter 252, Laws of 1959 and RCW 70.40.060; amending section 8, chapter 197, Laws of 1949 and RCW 70.40.080; amending section 9, chapter 197, Laws of 1949 as amended by section 8, chapter 252, Laws of 1959 and RCW 70.40.090; amending section 10, chapter 197, Laws of 1949 as amended by section 9, chapter 252, Laws of 1959 and RCW 70.40.110; amending section 12, chapter 197, Laws of 1949 as amended by section 10, chapter 252, Laws of 1959 and RCW 70.40.120; and amending section 13, chapter 197, Laws of 1949 and RCW 70.40.130.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2058, by Senators Day and McDermott:

An Act relating to medical disciplinary proceedings; amending section 3, chapter 202, Laws of 1955 as amended by section 1, chapter 142, Laws of 1963 and RCW 18.72.030; and adding new sections to chapter 202, Laws of 1955 and to chapter 18.72 RCW.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2059, by Senators Day and McDermott:

An Act relating to comprehensive health planning, amending section 3, chapter 198, Laws of 1971 ex. sess. and RCW 70.38.020; amending section 11, chapter 198, Laws of 1971 ex. sess. and RCW 70.38.100; amending section 12, chapter 198, Laws of 1971 ex. sess. and RCW 70.38.110; amending section 13, chapter 198, Laws of 1971 ex. sess. and RCW 70.38.120; amending section 14, chapter 198, Laws of 1971 ex. sess. and RCW 70.38.130; amending section 15, chapter 198, Laws of 1971 ex. sess. and RCW 70.38.140; amending section 17, chapter 198, Laws of 1971 ex. sess. and RCW 70.38.160; amending section 18, chapter 198, Laws of 1971 ex. sess. and RCW 70.38.170; amending section 19, chapter 198, Laws of 1971 ex. sess. and RCW 70.38.180; and amending section 20, chapter 198, Laws of 1971 ex. sess. and RCW 70.38.190.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2060, by Senators Donohue, Odegaard, Marsh, Woody, Newschwander, and Morrison (by Legislative Budget Committee request):

An Act relating to purchasing and material control in state government; amending section 43.19.180, chapter 8, Laws of 1965 and RCW 43.19.180; amending section 3, chapter 32, Laws of 1969 as amended by section 110, chapter 81, Laws of 1971 and RCW 43.19.190; amending section 43.19.1902, chapter 8, Laws of 1965 as amended by section 3, chapter 104, Laws of 1967 ex. sess. and RCW 43.19.1902; amending section 43.19.1904, chapter 8, Laws of 1965 as amended by section 4, chapter 104, Laws of 1967 ex. sess. and RCW 43.19.1904; amending section 43.19.1906, chapter 8, Laws of 1965 and RCW 43.19.1906; amending section 43.19.1917, chapter 8, Laws of 1965 as amended by section 2, chapter 53, Laws of 1969 ex. sess. and RCW 43.19.1917; amending section 6, chapter 104, Laws of 1967 ex. sess. and RCW 43.19.1918; amending section 43.19.1919, chapter 8, Laws of 1965 and RCW 43.19.1919; amending section 43.19.1923, chapter 8, Laws of 1965 as amended by section 5, chapter 104, Laws of 1967 ex. sess. and RCW 43.19.1923; amending section 43.19.1937, chapter 8, Laws of 1965 and RCW 43.19.1937; creating new sections; providing penalties; and declaring an emergency.

Referred to Committee on State Government.

SENATE BILL NO. 2061, by Senators Donohue, Woody, Newschwander and Morrison (by Legislative Budget Committee request):

An Act relating to state employees; and adding a new section to chapter 43.01 RCW.

Referred to Committee on State Government.

SENATE BILL NO. 2062, by Senators Donohue, Odegaard, Woody and Newschwander (by Legislative Budget Committee request):

An Act relating to state government; transferring the state motor pool to the department of general administration; amending section 43.19.010, chapter 8, Laws of 1965 and RCW 43.19.010; adding new sections to chapter 8, Laws of 1965 and to chapter 43.19 RCW; adding new sections to chapter 239, Laws of 1969 ex. sess. and to chapter 43.41 RCW; repealing section 43.91.010, chapter 8, Laws of 1965 and RCW 43.91.010; repealing section 43.91.020, chapter 8, Laws of 1965 and RCW 43.91.020; repealing section 43.91.030, chapter 8, Laws of 1965 and RCW 43.91.030; repealing section 43.91.040, chapter 8, Laws of 1965 and RCW 43.91.040; repealing section 43.91.050, chapter 8, Laws of 1965 and RCW 43.91.050; repealing section 43.91.060, chapter 8, Laws of 1965 and RCW 43.91.060; repealing section 43.91.070, chapter 8, Laws of 1965 and RCW 43.91.070; repealing section 43.91.080, chapter 8, Laws of 1965 and RCW 43.91.080; providing penalties; and declaring an emergency.

Referred to Committee on State Government.

SENATE BILL NO. 2063, by Senators Donohue, Odegaard and Newschwander (by Legislative Budget Committee request):

An Act relating to state government; amending section 1, chapter 79, Laws of 1921 and RCW 4.92.060; amending section 2, chapter 79, Laws of 1921 and RCW 4.92.070; amending section 24, chapter 122, Laws of 1963 and RCW 15.17.240; amending section 2, chapter 23, Laws of 1972 ex. sess. and RCW 28B.10.842; amending section 43.10.030, chapter 8, Laws of 1965 as amended by section 109, chapter 81, Laws of 1971 and RCW 43.10.030; amending section 43.17.100, chapter 8, Laws of 1965 and RCW 43.17.100; amending section 43.19.030, chapter 8, Laws of 1965 and RCW 43.19.030; amending section 43.19.1935, chapter 8, Laws of 1965 and RCW 43.19.1935; amending section 4, chapter 74, Laws of 1967 and RCW 43.63A.040; amending section 61, chapter 35, Laws of 1945 as amended by section 6, chapter 8, Laws of 1953 ex. sess. and RCW 50.16.020; adding a new section to chapter 43.19 RCW; repealing section 43.17.080, chapter 8, Laws of 1965 and RCW 43.17.080; and repealing section 43.17.090, chapter 8, Laws of 1965 and RCW 43.17.090.

Referred to Committee on State Government.

SENATE BILL NO. 2064, by Senators Walgren, Stortini and Guess (by Department of Motor Vehicles request):

An Act relating to drivers' licenses; amending section 20, chapter 121, Laws of 1965 ex. sess. and RCW 46.20.207; amending section 27, chapter 121, Laws of 1965 ex. sess. as last amended by section 1, chapter 36, Laws of 1973 1st ex. sess. and RCW 46.20.311; and amending section 41, chapter 121, Laws of 1965 ex. sess. and RCW 46.20.336.

Referred to Judiciary Committee.

SENATE BILL NO. 2065, by Senators Walgren, Stortini, Keefe and Guess (by Department of Motor Vehicles request):

An Act relating to motor vehicles; amending section 4, chapter 284, Laws of 1971 ex. sess. and RCW 46.65.020; amending section 6, chapter 284, Laws of 1971 ex. sess. and RCW 46.65.040; amending section 11, chapter 284, Laws of 1971 ex. sess. and RCW 46.65.090; and amending section 13, chapter 284, Laws of 1971 ex. sess. and RCW 46.65.110.

Referred to Judiciary Committee.

SENATE BILL NO. 2066, by Senator Pullen:

An Act relating to a special election for the creation and organization of a new county; and adding a new chapter to Title 36 RCW.

Referred to Committee on Local Government.

SENATE BILL NO. 2067, by Senator Pullen:

An Act relating to liens; and amending section 1, chapter 45, Laws of 1909 as last amended by section 1, chapter 84, Laws of 1969 ex. sess. and RCW 60.04.020.

Referred to Judiciary Committee.

SENATE BILL NO. 2068, by Senators Walgren, Stortini, Keefe and Guess (by Department of Motor Vehicles request):

An Act relating to financial responsibility; and repealing section 38, chapter 169, Laws of 1963 and RCW 46.29.380.

Referred to Judiciary Committee.

SENATE BILL NO. 2069, by Senators Day and von Reichbauer:

An Act relating to public health and safety; and amending section 9, chapter 164, Laws of 1971 ex. sess. as amended by section 10, chapter 183, Laws of 1973 1st ex. sess. and RCW 74.20A.090.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2070, by Senators Francis, von Reichbauer and Ridder (by Department of Labor and Industries request):

An Act relating to crime victims compensation; amending section 2, chapter 122, Laws of 1973 1st ex. sess. and RCW 7.68.020; amending section 6, chapter 122, Laws of 1973 1st ex. sess. and RCW 7.68.060; amending section 7, chapter 122, Laws of 1973 1st ex. sess. and RCW 7.68.070; amending section 8, chapter 122, Laws of 1973 1st ex. sess. and RCW 7.68.080; amending section 11, chapter 122, Laws of 1973 1st ex. sess. and RCW 7.68.110; amending section 14, chapter 122, Laws of 1973 1st ex. sess. and RCW 7.68.140; adding new sections to chapter 122, Laws of 1973 1st ex. sess. and to chapter 7.68 RCW; and declaring an emergency.

Referred to Judiciary Committee.

SENATE BILL NO. 2071, by Senators Bottiger, Woody and Scott:

An Act relating to county officers; and amending section 36.18.040, chapter 4, Laws of 1963 and RCW 36.18.040.

Referred to Judiciary Committee.

SENATE BILL NO. 2072, by Senators Bottiger, Scott and Woody:

An Act relating to recording telephone conversations; amending section 1, chapter 93, Laws of 1967 ex. sess. and RCW 9.73.030; amending section 2, chapter 93, Laws of 1967 ex. sess. and RCW 9.73.040; amending section 3, chapter 93, Laws of 1967 ex. sess. and RCW 9.73.050; amending section 4, chapter 93, Laws of 1967 ex. sess. and RCW 9.73.060; and amending section 2-209, chapter 157, Laws of 1965 ex. sess. and RCW 62A.2-209.

Referred to Judiciary Committee.

SENATE BILL NO. 2073, by Senators Donohue, Lewis (Harry) and Francis:

An Act relating to embalmers and funeral directors; adding new sections to chapter 18.39 RCW; repealing section 1, chapter 108, Laws of 1937, section 1, chapter 107, Laws of 1965 ex. sess. and RCW 18.39.010; repealing section 2, chapter 108, Laws of 1937 and RCW 18.39.020; repealing section 2, chapter 52, Laws of 1955, section 2, chapter 107, Laws of 1965 ex. sess., section 23, chapter 292, Laws of 1971 ex. sess. and RCW 18.39.030; repealing section 4, chapter 108, Laws of 1937, section 1, chapter 150, Laws of 1945, section 2, chapter 105, Laws of 1947, section 3, chapter 107, Laws of 1965 ex. sess., section 24, chapter 292, Laws of 1971 ex. sess., section 1, chapter 120,

Laws of 1972 ex. sess. and RCW 18.39.040; repealing section 6, chapter 108, Laws of 1937, section 8, chapter 266, Laws of 1971 ex. sess. and RCW 18.39.050; repealing section 5, chapter 108, Laws of 1937, section 4, chapter 107, Laws of 1965 ex. sess. and RCW 18.39.070; repealing section 3, chapter 52, Laws of 1955 and RCW 18.39.080; repealing section 7, chapter 108, Laws of 1937 and RCW 18.39.100; repealing section 10, chapter 108, Laws of 1937 and RCW 18.39.120; repealing section 15, chapter 108, Laws of 1937 and RCW 18.39.130; repealing section 8, chapter 108, Laws of 1937 and RCW 18.39.150; repealing section 12, chapter 108, Laws of 1937 and RCW 18.39.160; repealing section 16, chapter 108, Laws of 1937 and RCW 18.39.170; repealing section 11, chapter 108, Laws of 1937 and RCW 18.39.180; repealing section 9, chapter 108, Laws of 1937 and RCW 18.39.190; repealing section 15, chapter 215, Laws of 1909 and RCW 18.39.210; repealing section 13, chapter 108, Laws of 1937 and RCW 18.39.220; repealing section 17, chapter 108, Laws of 1937 and RCW 18.39.230; repealing section 18, chapter 108, Laws of 1937 and RCW 18.39.900; and prescribing penalties.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2074, by Senators Talley, Van Hollebeke and Sellar:

An Act relating to sewer districts; amending section 19, chapter 210, Laws of 1941 as last amended by section 4, chapter 272, Laws of 1971 ex. sess. and RCW 56.16.060; amending section 21, chapter 210, Laws of 1941 as amended by section 82, chapter 56, Laws of 1970 ex. sess. and RCW 56.16.080; and adding a new section to chapter 56.16 RCW.

Referred to Committee on Local Government.

SENATE JOINT RESOLUTION NO. 101, by Senators Francis, Clarke, Marsh, Woody and Jones:

Creating a new judicial article in the Constitution of Washington.

Referred to Judiciary Committee.

MOTION

At 11:18 a.m., on motion of Senator Mardesich, the Senate adjourned until 11:00 a.m., Wednesday, January 15, 1975.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

THIRD DAY**MORNING SESSION**

Senate Chamber, Olympia, Wednesday, January 15, 1975.

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 Fleming. There being no objection, Senator Fleming was excused.

The Color Guard, consisting of Pages Dina Alhadeff and Daniel Pavel, presented the Colors. Doctor Henry S. Rahn, pastor emeritus of the First Baptist Church of Olympia, offered the following prayer:

"O GOD, THOU RULER AND KEEPER OF THE UNIVERSE, GIVE TO EVERY NATION WHAT WE SEEK FOR OUR OWN COUNTRY AND STATE; CONCERN FOR EVERY MAN, WOMAN AND CHILD; SENSITIVITY TO MORAL ISSUES; STRENGTH TO BE FREE; TO SHARE IT AND TO PROTECT IT. WILLINGNESS TO ACCEPT RESPONSIBILITY WITHOUT FEAR OF ITS CONSEQUENCES AND THE READINESS TO SEEK THY WILL AND TO DO IT. FOR THIS WE PRAY IN OUR MASTER'S NAME. AMEN."

MOTION

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

INTRODUCTION AND FIRST READING

SENATE BILL NO. 2055, by Senators Henry and Murray:

An Act relating to odometers; amending section 7, chapter 112, Laws of 1969 and RCW 46.37.590; and repealing section 6, chapter 112, Laws of 1969 and RCW 46.37.580.

Referred to Judiciary Committee.

SENATE BILL NO. 2075, by Senators Rasmussen and Stortini:

An Act relating to counties; and amending section 1, chapter 75, Laws of 1963 as last amended by section 1, chapter 82, Laws of 1974 ex. sess. and RCW 41.04.180.

Referred to Committee on Local Government.

SENATE BILL NO. 2076, by Senators Rasmussen and Stortini:

An Act relating to records; and adding a new section to chapter 42.17 RCW.

Referred to Committee on State Government.

SENATE BILL NO. 2077, by Senators Knoblauch, Wanamaker, Rasmussen and Goltz:

An Act relating to jurors; and amending section 1, chapter 56, Laws of 1907 as last amended by section 1, chapter 73, Laws of 1959 and RCW 2.36.150.

Referred to Judiciary Committee.

MOTION

On motion of Senator Knoblauch, there being no objection, Senator Goltz was permitted as an additional sponsor to Senate Bill No. 2077.

SENATE BILL NO. 2078, by Senators Henry, Murray and Beck (by Department of Motor Vehicles request):

An Act relating to motor vehicles; amending section 46.04.270, chapter 12, Laws of 1961 and RCW 46.04.270; amending section 46.04.380, chapter 12, Laws of 1961 and RCW 46.04.380; amending section 46.04.460, chapter 12, Laws of 1961 and RCW 46.04.460; amending section 46.12.010, chapter 12, Laws of 1961 as last amended by section 1, chapter 140, Laws of 1967 and RCW 46.12.010; amending section 46.12.020, chapter 12, Laws of 1961 as amended by section 7, chapter 32, Laws of 1967 and RCW 46.12.020; amending section 46.12.030, chapter 12, Laws of 1961 as last amended by section 1, chapter 128, Laws of 1974 ex. sess. and RCW 46.12.030; amending section 46.12.050, chapter 12, Laws of 1961 as amended by section 9, chapter 32, Laws of 1967 and RCW 46.12.050; amending section 46.12.060, chapter 12, Laws of 1961 as amended by section 1, chapter 36, Laws of 1974 ex. sess. and RCW 46.12.060; amending section 46.12.120, chapter 12, Laws of 1961 as last amended by section 3, chapter 99, Laws of 1972 ex. sess. and RCW 46.12.120; amending section 46.12.160, chapter 12, Laws of 1961 and RCW 46.12.160; amending section 46.12.170, chapter 12, Laws of 1961 as amended by section 4, chapter 140, Laws of 1967 and RCW 46.12.170; amending section 46.12.230, chapter 12, Laws of 1961 as amended by section 13, chapter 32, Laws of 1967 and RCW 46.12.230; amending section 2, chapter 170, Laws of 1969 ex. sess. and RCW 46.16.040; amending section 1, chapter 18, Laws of 1963 and RCW 46.16.079; amending section 46.16.080, chapter 12, Laws of 1961 and RCW 46.16.080; amending section 46.16.100, chapter 12, Laws of 1961 as last amended by section 10, chapter 231, Laws of 1971 ex. sess. and RCW 46.16.100; amending section 46.16.230, chapter 12, Laws of 1961 and RCW 46.16.230; and creating new sections..

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 2079, by Senators Henry, Murray and Beck (by Department of Motor Vehicles request):

An Act relating to motor vehicles; amending section 82.50.170, chapter 15, Laws of 1961 as amended by section 9, chapter 54, Laws of 1974 ex. sess. and RCW 82.50.170; and amending section 59, chapter 299, Laws of 1971 ex. sess. and RCW 82.50.440.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 2080, by Senators Henry, Murray and Beck (by Department of Motor Vehicles request):

An Act relating to motor vehicles; amending section 44, chapter 170, Laws of 1965 ex. sess. and RCW 46.01.230; and prescribing a penalty.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 2081, by Senators Walgren, Goltz and Talley:

An Act relating to municipal purchases; and adding a new chapter to Title 39 RCW.

MOTION

On motion of Senator Mardesich, Senate Bill No. 2081 was referred to the Committee on Social and Health Services.

SENATE BILL NO. 2082, by Senators Walgren, Sellar, Talley and Wilson:

An Act relating to fire districts; and adding new sections to chapter 52.36 RCW.

Referred to Committee on Local Government.

MOTION

On motion of Senator Walgren, there being no objection, Senator Wilson was permitted as an additional sponsor to Senate Bill No. 2082.

SENATE BILL NO. 2083, by Senators Pullen, Rasmussen and Henry:

An Act relating to crimes and punishment; amending section 40, page 82, Laws of 1854 as last amended by section 1, chapter 11, Laws of 1963 and RCW 9.09.010;

amending section 24, page 79, Laws of 1854 as last amended by section 161, chapter 249, Laws of 1909 and RCW 9.11.010; amending section 1, chapter 6, Laws of 1933 ex. sess. and RCW 9.52.010; amending section 26, page 79, Laws of 1854 as last amended by section 155, chapter 249, Laws of 1909 and RCW 9.65.010; amending sections 3 and 4, page 81, Laws of 1854 as last amended by section 166, chapter 249, Laws of 1909 and RCW 9.75.010; amending section 33, page 80, Laws of 1854 as last amended by section 122, chapter 154, Laws of 1973 1st ex. sess. and RCW 9.79.010; amending section 2, chapter 2, Laws of 1973 ex. sess. and RCW 69.50.410; adding new sections to chapter 9.92 RCW; and prescribing penalties.

Referred to Judiciary Committee.

SENATE BILL NO. 2084, by Senators Bottiger, Scott and Murray:

An Act relating to the laws against discrimination; and 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.

Referred to Judiciary Committee.

SENATE BILL NO. 2085, by Senator Donohue:

An Act relating to the Washington state school directors' association; amending section 28A.61.010, chapter 223, Laws of 1969 ex. sess. and RCW 28A.61.010; amending section 28A.61.020, chapter 223, Laws of 1969 ex. sess. and RCW 28A.61.020; amending section 28A.61.030, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 101, Laws of 1974 ex. sess. and RCW 28A.61.030; amending section 28A.61.040, chapter 223, Laws of 1969 ex. sess. and RCW 28A.61.040; 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; and amending section 28A.61.060, chapter 223, Laws of 1969 ex. sess. and RCW 28A.61.060.

Referred to Committee on Education.

SENATE BILL NO. 2086, by Senators Marsh, Francis and Buffington:

An Act relating to guardianship of incompetents; amending section 11.88.010, chapter 145, Laws of 1965 and RCW 11.88.010; amending section 11.88.040, chapter 145, Laws of 1965 as amended by section 1, chapter 70, Laws of 1969 and RCW 11.88.040; amending section 11.88.080, chapter 145, Laws of 1965 and RCW 11.88.080; amending section 11.88.100, chapter 145, Laws of 1965 and RCW 11.88.100; amending section 11.88.107, chapter 145, Laws of 1965 and RCW 11.88.107; and amending section 11.92.040, chapter 145, Laws of 1965 and RCW 11.92.040.

Referred to Judiciary Committee.

SENATE BILL NO. 2087, by Senators Donohue and Guess:

An Act relating to education; amending section 19, chapter 34, Laws of 1969 ex. sess. as last amended by section 11, chapter 75, Laws of 1974 ex. sess. and RCW 28A.21.105; creating new sections; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW; repealing section 21, chapter 34, Laws of 1969 ex. sess. and RCW 28A.58.445; repealing section 28A.58.450, chapter 223, Laws of 1969 ex. sess., section 13, chapter 34, Laws of 1969 ex. sess., section 1, chapter 49, Laws of 1973 and RCW 28A.58.450; repealing section 28A.58.460, chapter 223, Laws of 1969 ex. sess., section 14, chapter 34, Laws of 1969 ex. sess. and RCW 28A.58.460; repealing section 28A.58.470, chapter 223, Laws of 1969 ex. sess. and RCW 28A.58.470; repealing section 28A.58.480, chapter 223, Laws of 1969 ex. sess., section 15, chapter 34, Laws of 1969 ex. sess. and RCW 28A.58.480; repealing section 28A.58.490, chapter 223, Laws of 1969 ex. sess., section 16, chapter 34, Laws of 1969 ex. sess. and RCW 28A.58.490; repealing section 28A.58.500, chapter 223, Laws of 1969 ex. sess., section 71, chapter 81, Laws of 1971 and RCW 28A.58.500; repealing section 28A.58.510, chapter 223, Laws of 1969 ex. sess. and RCW 28A.58.510; repealing section 18, chapter 34, Laws of 1969 ex. sess., section 3, chapter 49, Laws of 1973 and RCW 28A.58.515;

repealing section 16, chapter 15, Laws of 1970 ex. sess., section 2, chapter 49, Laws of 1973 and RCW 28A.67.070; repealing section 2, chapter 283, Laws of 1969 ex. sess. and RCW 28A.67.074; repealing section 20, chapter 34, Laws of 1969 ex. sess., section 7, chapter 48, Laws of 1971, section 12, chapter 75, Laws of 1974 ex. sess. and RCW 28A.21.106; and making an effective date.

Referred to Committee on Education.

SENATE BILL NO. 2088, by Senators Talley and Peterson:

An Act relating to food fish buyers and processors and fishermen; and adding new sections to chapter 75.28 RCW.

Referred to Committee on Natural Resources.

SENATE BILL NO. 2089, by Senators Ridder, Gould, Murray, Stortini, Day and McDermott:

An Act relating to fees charged students at community colleges; and amending section 28B.15.500, chapter 223, Laws of 1969 ex. sess. as amended by section 10, chapter 279, Laws of 1971 ex. sess. and RCW 28B.15.500.

Referred to Committee on Higher Education.

MOTION

On motion of Senator Ridder, there being no objection, the names of Senators Day and McDermott were permitted as additional sponsors to Senate Bill No. 2089.

SENATE BILL NO. 2090, by Senators Stortini and Murray (by Superintendent of Public Instruction request):

An Act relating to education; amending section 3, chapter 39, Laws of 1963 as amended by section 2, chapter 218, Laws of 1969 ex. sess. and RCW 46.81.020; amending section 28A.67.035, chapter 223, Laws of 1969 ex. sess. and RCW 28A.67.035; repealing section 28A.67.020, chapter 223, Laws of 1969 ex. sess. and RCW 28A.67.020; repealing sections 1 through 7, chapter 81, Laws of 1973 and RCW 28A.04.137, 28A.58.700, 28A.58.701, 28A.58.703, 28A.58.704, 28A.58.706 and 28A.58.707; repealing sections 8 and 9, chapter 81, Laws of 1973 (uncodified); providing penalties; and declaring an emergency.

Referred to Committee on Education.

SENATE BILL NO. 2091, by Senators Woody, Clarke and Francis:

An Act relating to courts and the judiciary; establishing a statewide system of district courts; adding a new chapter to Title 3 RCW; repealing section 1, chapter 11, Laws of 1955 and RCW 3.04.010; repealing section 4, page 120, Laws of 1888, section 2, chapter 11, Laws of 1955 and RCW 3.04.030; repealing section 3, page 223, Laws of 1854, section 1691, Code of 1881, section 3, chapter 11, Laws of 1955 and RCW 3.04.040; repealing section 4, page 223, Laws of 1854, section 1692, Code of 1881, section 4, chapter 11, Laws of 1955 and RCW 3.04.050; repealing section 5, page 223, Laws of 1854, section 1693, Code of 1881, section 5, chapter 11, Laws of 1955 and RCW 3.04.060; repealing section 6, page 223, Laws of 1854, section 1694, Code of 1881, section 6, chapter 11, Laws of 1955 and RCW 3.04.070; repealing section 7, page 224, Laws of 1854, section 1695, Code of 1881, section 7, chapter 11, Laws of 1955 and RCW 3.04.080; repealing section 20, page 226, Laws of 1854, section 14, page 333, Laws of 1873, section 1707, Code of 1881, section 14, chapter 156, Laws of 1951 and RCW 3.04.090; repealing section 10, page 224, Laws of 1854, section 1703, Code of 1881 and RCW 3.04.100; repealing section 25, page 227, Laws of 1854, section 31, page 339, Laws of 1873, section 1724, Code of 1881, section 8, chapter 11, Laws of 1955 and RCW 3.04.110; repealing section 12, chapter 187, Laws of 1919 and RCW 3.04.120; repealing section 11, page 224, Laws of 1854, section 1704, Code of 1881, section 15, chapter 156, Laws of 1951 and RCW 3.04.130; repealing section 12, page 224, Laws of 1854, section 1705, Code of 1881 and RCW 3.04.140; repealing section 21, page 226, Laws of 1854, section 15, page 333, Laws of 1873, section 1708, Code of 1881 and RCW 3.04.150; repealing section 13, page 225, Laws of 1854, section 2796, Code of

1881, section 1, chapter 237, Laws of 1953 and RCW 3.08.010; repealing section 15, page 225, Laws of 1854, section 2798, Code of 1881 and RCW 3.08.020; repealing section 16, page 225, Laws of 1854, section 2799, Code of 1881 and RCW 3.08.030; repealing section 2800, Code of 1881, section 9, chapter 11, Laws of 1955 and RCW 3.08.040; repealing section 14, page 225, Laws of 1854, section 2797, Code of 1881 and RCW 3.08.050; repealing section 10, chapter 11, Laws of 1955 and RCW 3.08.060; repealing section 3, chapter 237, Laws of 1953 and RCW 3.08.065; repealing section 1, chapter 138, Laws of 1935, section 1, chapter 64, Laws of 1941 and RCW 3.08.070; repealing section 2, chapter 237, Laws of 1953 and RCW 3.08.080; repealing section 3, page 120, Laws of 1888, section 11, chapter 11, Laws of 1955 and RCW 3.12.010; repealing section 1, chapter 156, Laws of 1951, section 12, chapter 11, Laws of 1955, section 1, chapter 203, Laws of 1957 and RCW 3.12.021; repealing section 6, chapter 156, Laws of 1951 and RCW 3.12.041; repealing section 7, chapter 156, Laws of 1951 and RCW 3.12.051; repealing section 2, chapter 156, Laws of 1951, section 2, chapter 203, Laws of 1957 and RCW 3.12.071; repealing section 1, chapter 63, Laws of 1931 and RCW 3.12.080; repealing section 8, chapter 7, Laws of 1891, section 1, chapter 102, Laws of 1917, section 1, chapter 21, Laws of 1943 and RCW 3.12.090; repealing section 10, chapter 156, Laws of 1951 and RCW 3.14.020; repealing section 9, chapter 156, Laws of 1951 and RCW 3.14.050; repealing section 13, chapter 156, Laws of 1951 and RCW 3.14.060; repealing section 3, chapter 156, Laws of 1951, section 5, chapter 206, Laws of 1953 and RCW 3.16.002; repealing section 4, chapter 156, Laws of 1951, section 6, chapter 110, Laws of 1965 ex. sess., section 2, chapter 52, Laws of 1969 and RCW 3.16.004; repealing section 5, chapter 156, Laws of 1951, section 13, chapter 11, Laws of 1955 and RCW 3.16.008; repealing section 2, chapter 66, Laws of 1897, section 14, chapter 11, Laws of 1955 and RCW 3.16.010; repealing section 3, chapter 105, Laws of 1905, section 15, chapter 11, Laws of 1955 and RCW 3.16.020; repealing section 3, chapter 145, Laws of 1909, sections 3 and 4, chapter 41, Laws of 1913, section 16, chapter 11, Laws of 1955 and RCW 3.16.030; repealing section 5, chapter 156, Laws of 1951, section 17, chapter 11, Laws of 1955 and RCW 3.16.050; repealing section 9, chapter 7, Laws of 1891, section 18, chapter 11, Laws of 1955 and RCW 3.16.060; repealing section 1, chapter 66, Laws of 1893, section 1, chapter 121, Laws of 1907, section 1, chapter 138, Laws of 1915, section 1, chapter 143, Laws of 1919 and RCW 3.16.070; repealing section 2, chapter 66, Laws of 1893 and RCW 3.16.080; repealing section 3, chapter 66, Laws of 1893 and RCW 3.16.090; repealing section 1, part, chapter 56, Laws of 1907, section 13, chapter 263, Laws of 1959 and RCW 3.16.100; repealing section 3, chapter 7, Laws of 1891, section 5, chapter 199, Laws of 1969 ex. sess. and RCW 3.16.110; repealing section 4, chapter 7, Laws of 1891 and RCW 3.16.120; repealing section 5, chapter 7, Laws of 1891, section 6, chapter 199, Laws of 1969 ex. sess. and RCW 3.16.130; repealing section 10, chapter 7, Laws of 1891 and RCW 3.16.140; repealing section 6, chapter 7, Laws of 1891 and RCW 3.16.150; repealing section 181, page 379, Laws of 1863, section 1901, Code of 1881, section 7, chapter 199, Laws of 1969 ex. sess. and RCW 3.16.160; repealing section 22, page 226, Laws of 1854, section 1709, Code of 1881, section 1, chapter 89, Laws of 1941 and RCW 3.20.010; repealing section 23, page 226, Laws of 1854, section 17, page 333, Laws of 1873, section 1, page 199, Laws of 1877, section 1710, Code of 1881, section 1, page 44, Laws of 1883, section 1, chapter 73, Laws of 1891, section 19, chapter 11, Laws of 1955, section 1, chapter 96, Laws of 1965 and RCW 3.20.020; repealing section 24, page 227, Laws of 1854, section 18, page 334, Laws of 1873, section 1711, Code of 1881 and RCW 3.20.030; repealing section 171, page 279, Laws of 1860, section 184, page 181, Laws of 1873, section 1, page 51, Laws of 1875, section 1886, Code of 1881, section 1, chapter 35, Laws of 1901, section 1, chapter 98, Laws of 1909 and RCW 3.20.040; repealing section 9, page 224, Laws of 1854, section 1702, Code of 1881, section 2, chapter 89, Laws of 1941 and RCW 3.20.050; repealing section 1, chapter 40, Laws of 1899, section 1, chapter 65, Laws of 1901, section 1, chapter 53, Laws of 1925 ex. sess., section 1, chapter 75, Laws of 1929, section 3, chapter 89, Laws of 1941, section 2, chapter 206, Laws of 1953 and RCW 3.20.060; repealing section 1, chapter 264, Laws of 1927, section 2, chapter 75, Laws of 1929 and RCW 3.20.070; repealing section

3, chapter 75, Laws of 1929 and RCW 3.20.080; repealing section 2, chapter 65, Laws of 1901, section 4, chapter 75, Laws of 1929, section 4, chapter 89, Laws of 1941 and RCW 3.20.090; repealing section 2, page 88, Laws of 1867, section 1938, Code of 1881, sections 2 and 3, page 8, Laws of 1881, section 1, chapter 126, Laws of 1943 and RCW 3.20.100; repealing section 68, page 252, Laws of 1860, section 162, page 369, Laws of 1863, section 1881, Code of 1881 and RCW 3.20.110; repealing section 1, chapter 4, Laws of 1933 ex. sess., section 1, chapter 135, Laws of 1935 and RCW 3.20.120; repealing section 4, chapter 206, Laws of 1953 and RCW 3.20.131; repealing section 1, chapter 14, Laws of 1923 and RCW 3.24.010; repealing section 2, chapter 14, Laws of 1923, section 1, chapter 201, Laws of 1927 and RCW 3.24.020; repealing section 4, chapter 14, Laws of 1923 and RCW 3.24.030; repealing section 5, chapter 14, Laws of 1923 and RCW 3.24.040; repealing section 6, chapter 14, Laws of 1923 and RCW 3.24.050; repealing section 3, chapter 14, Laws of 1923 and RCW 3.24.060; repealing section 7, chapter 14, Laws of 1923 and RCW 3.24.070; repealing section 8, chapter 14, Laws of 1923 and RCW 3.24.080; repealing section 9, chapter 14, Laws of 1923 and RCW 3.24.090; repealing section 145, page 248, Laws of 1854, section 665, chapter 171, Laws of 1873, section 1842, Code of 1881 and RCW 3.28.010; repealing section 147, page 249, Laws of 1854, section 668, page 173, Laws of 1873, section 1844, Code of 1881 and RCW 3.28.020; repealing section 148, page 249, Laws of 1854, section 667, page 172, Laws of 1873, section 1845, Code of 1881 and RCW 3.28.030; repealing section 149, page 249, Laws of 1854, section 1846, Code of 1881 and RCW 3.28.040; repealing section 150, page 249, Laws of 1854, section 1847, Code of 1881 and RCW 3.28.050; repealing section 146, page 249, Laws of 1854, section 166, page 172, Laws of 1873, section 1843, Code of 1881 and RCW 3.28.060; repealing section 151, page 250, Laws of 1854, section 1848, Code of 1881, section 8, chapter 199, Laws of 1969 ex. sess. and RCW 3.28.070; repealing section 1, chapter 299, Laws of 1961, section 1, chapter 42, Laws of 1967 ex. sess. and RCW 3.30.010; repealing section 2, chapter 299, Laws of 1961 and RCW 3.30.020; repealing section 3, chapter 299, Laws of 1961, section 1, chapter 73, Laws of 1971 and RCW 3.30.030; repealing section 4, chapter 299, Laws of 1961 and RCW 3.30.040; repealing section 5, chapter 299, Laws of 1961, section 2, chapter 73, Laws of 1971 and RCW 3.30.050; repealing section 6, chapter 299, Laws of 1961 and RCW 3.30.060; repealing section 7, chapter 299, Laws of 1961, section 3, chapter 73, Laws of 1971 and RCW 3.30.070; repealing section 8, chapter 299, Laws of 1961 and RCW 3.30.080; repealing section 9, chapter 299, Laws of 1961, section 4, chapter 73, Laws of 1971 and RCW 3.30.090; repealing section 10, chapter 299, Laws of 1961, section 5, chapter 110, Laws of 1965 ex. sess., section 1, chapter 66, Laws of 1969 ex. sess., section 1, chapter 23, Laws of 1970 ex. sess., section 1, chapter 147, Laws of 1971 ex. sess., section 1, chapter 14, Laws of 1973 1st ex. sess. and RCW 3.34.010; repealing section 11, chapter 299, Laws of 1961, section 7, chapter 66, Laws of 1969 ex. sess., section 2, chapter 23, Laws of 1970 ex. sess., section 2, chapter 14, Laws of 1973 1st ex. sess. and RCW 3.34.020; repealing section 12, chapter 299, Laws of 1961, section 2, chapter 66, Laws of 1969 ex. sess. and RCW 3.34.030; repealing section 13, chapter 299, Laws of 1961, section 2, chapter 147, Laws of 1971 ex. sess., section 2, chapter 95, Laws of 1974 ex. sess. and RCW 3.34.040; repealing section 14, chapter 299, Laws of 1961 and RCW 3.34.050; repealing section 15, chapter 299, Laws of 1961 and RCW 3.34.060; repealing section 3, chapter 14, Laws of 1973 1st ex. sess. and RCW 3.34.065; repealing section 16, chapter 299, Laws of 1961 and RCW 3.34.070; repealing section 17, chapter 299, Laws of 1961 and RCW 3.34.080; repealing section 18, chapter 299, Laws of 1961, section 5, chapter 73, Laws of 1971 and RCW 3.34.090; repealing section 19, chapter 299, Laws of 1961 and RCW 3.34.100; repealing sections 20 through 24, chapter 299, Laws of 1961 and RCW 3.34.110 through 3.34.150; repealing section 25, chapter 299, Laws of 1961 and RCW 3.38.010; repealing section 26, chapter 299, Laws of 1961, section 1, chapter 110, Laws of 1965 ex. sess. and RCW 3.38.020; repealing section 1, chapter 213, Laws of 1963 and RCW 3.38.022; repealing section 27, chapter 299, Laws of 1961, section 2, chapter 110, Laws of 1965 ex. sess. and RCW 3.38.030; repealing section 3, chapter 110, Laws of 1965 ex. sess. and RCW 3.38.031; repealing section 28, chapter 299, Laws of 1961, section 3, chapter 66, Laws of 1969 ex. sess. and

RCW 3.38.040; repealing section 29, chapter 299, Laws of 1961 and RCW 3.38.050; repealing section 30, chapter 299, Laws of 1961 and RCW 3.38.060; repealing sections 31 through 33, chapter 299, Laws of 1961 and RCW 3.42.010 through 3.42.030; repealing section 34, chapter 299, Laws of 1961, section 4, chapter 66, Laws of 1969 ex. sess. and RCW 3.42.040; repealing sections 35 through 42, chapter 299, Laws of 1961 and RCW 3.46.010 through 3.46.080; repealing section 43, chapter 299, Laws of 1961, section 5, chapter 66, Laws of 1969 ex. sess. and RCW 3.46.090; repealing sections 44 through 48, chapter 299, Laws of 1961 and RCW 3.46.100 through 3.46.140; repealing section 6, chapter 66, Laws of 1969 ex. sess. and RCW 3.46.145; repealing section 49, chapter 299, Laws of 1961 and RCW 3.46.150; repealing sections 50 through 78, chapter 299, Laws of 1961 and RCW 3.50.010 through 3.50.290; repealing section 79, chapter 299, Laws of 1961, section 1, chapter 84, Laws of 1969 and RCW 3.50.300; repealing sections 80 through 89, chapter 299, Laws of 1961 and RCW 3.50.310 through 3.50.400; repealing section 90, chapter 299, Laws of 1961, section 15, chapter 81, Laws of 1971 and RCW 3.50.410; repealing sections 91 through 96, chapter 299, Laws of 1961 and RCW 3.50.420 through 3.50.470; repealing section 98, chapter 299, Laws of 1961, section 6, chapter 73, Laws of 1971 and RCW 3.54.010; repealing section 99, chapter 299, Laws of 1961, section 7, chapter 73, Laws of 1971 and RCW 3.54.020; repealing section 100, chapter 299, Laws of 1961, section 1, chapter 147, Laws of 1965, section 1, chapter 52, Laws of 1969, section 4, chapter 100, Laws of 1972 ex. sess., section 6, chapter 149, Laws of 1974 ex. sess. and RCW 3.58.010; repealing section 101, chapter 299, Laws of 1961, section 1, chapter 192, Laws of 1969 ex. sess., section 1, chapter 95, Laws of 1974 ex. sess. and RCW 3.58.020; repealing sections 102 through 103, chapter 299, Laws of 1961 and RCW 3.58.030 through 3.58.040; repealing section 104, chapter 299, Laws of 1961, section 3, chapter 213, Laws of 1963 and RCW 3.58.050; repealing section 105, chapter 299, Laws of 1961 and RCW 3.62.010; repealing section 1, chapter 199, Laws of 1969 ex. sess., section 2, chapter 130, Laws of 1974 ex. sess. and RCW 3.62.015; repealing section 106, chapter 299, Laws of 1961, section 2, chapter 199, Laws of 1969 ex. sess., section 8, chapter 73, Laws of 1971 and RCW 3.62.020; repealing section 108, chapter 299, Laws of 1961 and RCW 3.62.040; repealing section 109, chapter 299, Laws of 1961, section 2, chapter 213, Laws of 1963, section 1, chapter 111, Laws of 1969, section 3, chapter 199, Laws of 1969 ex. sess., section 1, chapter 10, Laws of 1973 1st ex. sess. and RCW 3.62.050; repealing section 4, chapter 199, Laws of 1969 ex. sess. and RCW 3.62.055; repealing section 110, chapter 299, Laws of 1961, section 1, chapter 55, Laws of 1965, section 1, chapter 25, Laws of 1969 and RCW 3.62.060; repealing section 111, chapter 299, Laws of 1961, section 2, chapter 10, Laws of 1973 1st ex. sess. and RCW 3.62.070; repealing section 112, chapter 299, Laws of 1961 and RCW 3.66.010; repealing section 113, chapter 299, Laws of 1961, section 1, chapter 95, Laws of 1965 and RCW 3.66.020; repealing sections 114 through 117, chapter 299, Laws of 1961 and RCW 3.66.030 through 3.66.060; repealing section 7, chapter 110, Laws of 1965 ex. sess. and RCW 3.66.065; repealing sections 1 through 3, chapter 75, Laws of 1969 and RCW 3.66.067 through 3.66.069; repealing sections 118 through 119, chapter 299, Laws of 1961 and RCW 3.66.070 through 3.66.080; repealing section 120, chapter 299, Laws of 1961, section 1, chapter 241, Laws of 1967 and RCW 3.66.090; repealing sections 121 through 122, chapter 299, Laws of 1961 and RCW 3.66.100 through 3.66.110; repealing sections 123 through 126, chapter 299, Laws of 1961 and RCW 3.70.010 through 3.70.040; repealing sections 130 through 131, chapter 299, Laws of 1961 and RCW 3.74.010 through 3.74.020; repealing section 1, chapter 6, Laws of 1969 ex. sess. and RCW 3.74.030; repealing sections 127 through 129, chapter 299, Laws of 1961 and RCW 3.74.900 through 3.74.920; repealing section 132, chapter 299, Laws of 1961 and RCW 3.74.930; repealing section 8, chapter 110, Laws of 1965 ex. sess. and RCW 3.74.931; repealing section 4, chapter 110, Laws of 1965 ex. sess. and RCW 3.74.940; and prescribing effective dates.

Referred to Judiciary Committee.

SENATE BILL NO. 2092, by Senators Francis, Woody and Jones:

An Act relating to crimes and criminal procedure; adding a new title to the Re-

vised Code of Washington to be designated as Title 9A; repealing section 51, chapter 249, Laws of 1909 and RCW 9.01.010; repealing section 5, chapter 249, Laws of 1909 and RCW 9.01.111; repealing section 24, page 79, Laws of 1854, section 28, page 80, Laws of 1854, sections 24 through 30, page 202, Laws of 1869, sections 29 through 34, page 185, Laws of 1873, sections 801 through 809, Code of 1881, section 161, chapter 249, Laws of 1909 and RCW 9.11.010; repealing section 24, page 79, Laws of 1854, section 28, page 80, Laws of 1854, sections 24 through 30, page 202, Laws of 1869, sections 29 through 34, page 185, Laws of 1873, sections 801 through 809, Code of 1881, section 162, chapter 249, Laws of 1909 and RCW 9.11.020; repealing section 24, page 79, Laws of 1854, section 28, page 80, Laws of 1854, sections 24 through 30, page 202, Laws of 1869, sections 29 through 34, page 185, Laws of 1873, sections 801 through 809, Code of 1881, section 163, chapter 249, Laws of 1909 and RCW 9.11.030; repealing section 164, chapter 249, Laws of 1909 and RCW 9.11.040; repealing section 165, chapter 249, Laws of 1909 and RCW 9.11.050; repealing section 22, page 79, Laws of 1854, section 22, page 202, Laws of 1869, section 799, Code of 1881, section 167, chapter 249, Laws of 1909 and RCW 9.30.010; repealing section 23, page 79, Laws of 1854, section 23, page 202, Laws of 1869, section 25, page 185, Laws of 1873, section 800, Code of 1881, section 168, chapter 249, Laws of 1909 and RCW 9.30.020; repealing section 169, chapter 249, Laws of 1909 and RCW 9.30.030; repealing section 170, chapter 249, Laws of 1909 and RCW 9.30.040; repealing section 171, chapter 249, Laws of 1909 and RCW 9.30.050; repealing section 138, chapter 249, Laws of 1909, section 1, chapter 49, Laws of 1970 ex. sess. and RCW 9.48.010; repealing section 139, chapter 249, Laws of 1909 and RCW 9.48.020; repealing section 12, page 78, Laws of 1854, section 12, page 200, Laws of 1869, section 12, page 182, Laws of 1873, section 786, Code of 1881, section 1, chapter 69, Laws of 1891, section 140, chapter 249, Laws of 1909 and RCW 9.48.030; repealing section 13, page 78, Laws of 1854, sections 13 and 14, page 200, Laws of 1869, section 13, page 182, Laws of 1873, section 790, Code of 1881, section 141, chapter 249, Laws of 1909 and RCW 9.48.040; repealing section 14, page 78, Laws of 1854, section 14, page 201, Laws of 1869, section 16, page 183, Laws of 1873, section 791, Code of 1881, section 142, chapter 249, Laws of 1909 and RCW 9.48.050; repealing section 16, page 78, Laws of 1854, section 16, page 201, Laws of 1869, section 18, page 183, Laws of 1873, section 793, Code of 1881, section 2, chapter 69, Laws of 1891, section 143, chapter 249, Laws of 1909, section 2, chapter 49, Laws of 1970 ex. sess. and RCW 9.48.060; repealing sections 37 and 38, page 81, Laws of 1854, sections 37 and 38, page 209, Laws of 1863, sections 41 and 42, page 188, Laws of 1873, section 820, Code of 1881, section 144, chapter 249, Laws of 1909 and RCW 9.48.070; repealing sections 37 and 38, page 81, Laws of 1854, sections 37 and 38, page 209, Laws of 1863, sections 41 and 42, page 188, Laws of 1873, section 821, Code of 1881, section 145, chapter 249, Laws of 1909 and RCW 9.48.080; repealing section 146, chapter 249, Laws of 1909 and RCW 9.48.090; repealing section 147, chapter 249, Laws of 1909 and RCW 9.48.100; repealing section 18, page 78, Laws of 1854, section 18, page 201, Laws of 1869, section 20, page 184, Laws of 1873, section 795, Code of 1881, section 148, chapter 249, Laws of 1909 and RCW 9.48.110; repealing section 19, page 78, Laws of 1854, section 19, page 201, Laws of 1869, section 21, page 184, Laws of 1873, section 796, Code of 1881, section 149, chapter 249, Laws of 1909 and RCW 9.48.120; repealing section 124, page 97, Laws of 1854, section 130, page 227, Laws of 1869, section 136, page 211, Laws of 1873, section 995, Code of 1881, section 150, chapter 249, Laws of 1909 and RCW 9.48.130; repealing section 151, chapter 249, Laws of 1909 and RCW 9.48.140; repealing section 152, chapter 249, Laws of 1909 and RCW 9.48.150; repealing section 153, chapter 249, Laws of 1909 and RCW 9.48.160; repealing section 154, chapter 249, Laws of 1909 and RCW 9.48.170; repealing section 1, chapter 6, Laws of 1933 ex. sess. and RCW 9.52.010; repealing section 3, chapter 6, Laws of 1933 ex. sess. and RCW 9.52.020; repealing section 159, chapter 249, Laws of 1909 and RCW 9.52.030; repealing section 36, page 84, Laws of 1854, section 38, page 205, Laws of 1869, section 40, page 187, Laws of 1873, section 819, Code of 1881, section 160, chapter 249, Laws of 1909 and RCW 9.52.040; repealing section 26, page 79, Laws of 1854, section 26, page 202, Laws of 1869, section 28, page 185, Laws of 1873, section

103, Code of 1881, section 155, chapter 249, Laws of 1909 and RCW 9.65.010; repealing section 156, chapter 249, Laws of 1909 and RCW 9.65.020; repealing section 157, chapter 249, Laws of 1909 and RCW 9.65.030; repealing section 133, chapter 249, Laws of 1909 and RCW 9.80.010; repealing section 134, chapter 249, Laws of 1909 and RCW 9.80.020; repealing section 17, page 78, Laws of 1854, section 17, page 201, Laws of 1869, section 19, page 184, Laws of 1873, section 794, Code of 1881, section 135, chapter 249, Laws of 1909 and RCW 9.80.030; repealing section 136, chapter 249, Laws of 1909 and RCW 9.80.040; repealing section 137, chapter 249, Laws of 1909 and RCW 9.80.050; repealing section 64, page 212, Laws of 1869, section 67, page 195, Laws of 1873 and RCW 9.83.070; repealing section 1, chapter 7, Laws of 1969 and RCW 9.83.080; repealing section 1, page 85, Laws of 1875, section 1271, Code of 1881, section 436, chapter 249, Laws of 1909, section 1, chapter 11, Laws of 1965, section 29, chapter 122, Laws of 1972 ex. sess. and RCW 9.87.010; repealing section 1, chapter 62, Laws of 1915 and RCW 9.87.020; repealing section 3, page 90, Laws of 1875, section 1273, Code of 1881 and RCW 9.87.030; repealing section 932, Code of 1881 and RCW 9.91.040; repealing section 4, chapter 241, Laws of 1955 and RCW 9.94.060; repealing section 3, chapter 28, Laws of 1891 and RCW 10.01.010; and repealing section 10, page 77, Laws of 1854, section 779, Code of 1881, section 2, chapter 28, Laws of 1891, section 1, chapter 12, Laws of 1937 and RCW 10.01.020; defining crimes; prescribing penalties; and prescribing an effective date.

Referred to Judiciary Committee.

SENATE BILL NO. 2093, by Senators Clarke, Keefe and Jones:

An Act relating to crimes and criminal procedure; adding a new Title to the Revised Code of Washington to be designated as Title 9A; repealing section 51, chapter 249, Laws of 1909 and RCW 9.01.010; repealing section 11, page 78, Laws of 1854, section 11, page 106, Laws of 1859, section 11, page 200, Laws of 1869, section 11, page 200, Laws of 1873, section 781, Code of 1881, section 1, chapter 249, Laws of 1909 and RCW 9.01.020; repealing section 125, page 98, Laws of 1854, section 124, page 129, Laws of 1859, section 134, page 229, Laws of 1869, section 140, page 213, Laws of 1873, section 957, Code of 1881, section 8, chapter 249, Laws of 1909 and RCW 9.01.030; repealing section 2, chapter 249, Laws of 1909 and RCW 9.01.040; repealing section 127, page 98, Laws of 1854, section 136, page 229, Laws of 1869, section 142, page 213, Laws of 1873, section 956, Code of 1881, section 10, chapter 249, Laws of 1909 and RCW 9.01.060; repealing section 30, page 185, Laws of 1873, section 1161, Code of 1881, section 12, chapter 249, Laws of 1909 and RCW 9.01.070; repealing section 1, chapter 233, Laws of 1927 and RCW 9.01.080; repealing section 784, Code of 1881, section 17, chapter 249, Laws of 1909 and RCW 9.01.090; repealing section 18, chapter 249, Laws of 1909 and RCW 9.01.100; repealing section 5, chapter 249, Laws of 1909 and RCW 9.01.111; repealing section 4, chapter 249, Laws of 1909 and RCW 9.01.112; repealing section 3, chapter 249, Laws of 1909 and RCW 9.01.113; repealing section 6, chapter 249, Laws of 1909 and RCW 9.01.114; repealing section 2, chapter 76, Laws of 1967 and RCW 9.01.116; repealing section 1, Code of 1881, section 47, chapter 249, Laws of 1909 and RCW 9.01.150; repealing section 46, chapter 249, Laws of 1909 and RCW 9.01.170; repealing section 48, chapter 249, Laws of 1909 and RCW 9.01.180; repealing section 49, chapter 249, Laws of 1909 and RCW 9.01.190; repealing section 130, chapter 249, Laws of 1909 and RCW 9.22.010; repealing section 131, chapter 249, Laws of 1909 and RCW 9.22.020; repealing section 132, chapter 249, Laws of 1909 and RCW 9.22.030; repealing section 1, chapter 211, Laws of 1961 and RCW 9.22.040; defining crimes; prescribing penalties; and prescribing an effective date.

Referred to Judiciary Committee.

SENATE JOINT MEMORIAL NO. 102, by Senator Rasmussen:

Requesting elimination of federal regulations requiring forfeiture of interest on time savings accounts.

Referred to Committee on Financial Institutions.

SENATE JOINT MEMORIAL NO. 103, by Senator Rasmussen:

Requiring decisions of federal reserve board and open market committee to be made in open session.

Referred to Committee on Financial Institutions.

SENATE JOINT MEMORIAL NO. 104, by Senator Rasmussen:

Petitioning Congress to control entry of illegal aliens.

Referred to Committee on State Government.

SENATE JOINT RESOLUTION NO. 102, by Senators Stortini, Bottiger and

Guess:

Requiring appointee to vacant offices to be of the same political party as the prior office holder.

Referred to Committee on Constitution and Elections.

MOTION

Senator Mardesich moved adoption of the following resolution:

SENATE RESOLUTION 1975-4

By Senators Bailey, Mardesich, Matson, Lewis (Harry), Marsh, Clarke, Day, Newschwander, Keefe, Scott, Henry, Donohue, Walgren and Sandison:

BE IT RESOLVED, That the Senate Rules of the Regular Session of the Forty-third Legislature be adopted as the permanent rules of the Forty-fourth Legislature and be amended as follows:

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 tempore, 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 subject to the confirmation of 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.

In appointing the committee members to the hereinafter named standing committees, the president shall name members in the same ratio as the membership of the respective parties in the senate. Committee members will be selected by each party's caucus.

The following standing committees shall constitute the standing committees of the senate:

1. Agriculture	[7]	5
2. Commerce	[7]	5
3. Constitution and Elections	[7]	6
4. Ecology	7	
5. Education	7	
6. Financial Institutions	7	
7. Higher Education	7	
8. Judiciary	11	
9. Labor	7	
10. Local Government	[11]	9
11. Natural Resources	[7]	9
12. Parks and Recreation	[7]	5
13. Rules	13	
14. Social and Health Services		13
15. State Government	7	
16. Transportation and Utilities	17	
17. Ways and Means	19	

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 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 during the regular session and 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 session, shall prepare his office to receive bills which the members and members-elect may desire to prefile commencing with the first Monday in December preceding any session year; or twenty days prior to any extraordinary session of the legislature. He shall have printed copies prepared and distributed to the members and members-elect [, and such other individuals and organizations requesting them: PROVIDED, HOWEVER, That no bill, memorial or resolution shall be filed by title and/or preamble only. (See also Rule 58.)]

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 TEMPORE

RULE 7. Upon the organization of the senate the members shall select one of their number as president pro tempore, who shall have all the powers and authority, and who shall discharge all the duties of the lieutenant governor, acting as president during his absence.

In the event that the lieutenant governor is acting as governor the senate shall also elect one of its members temporary president, who, in the absence or disability of the president elected by the senate, shall have all the power and authority and who shall discharge the duties of such president.

[PURCHASE OF SUPPLIES] PAYMENT OF EXPENSES

RULE 8. All [supplies] expenses [for the use] of the senate incurred during the session shall be [furnished upon requisition] signed by the secretary and approved by [the chairman of] a majority of the committee on [claims and auditing] facilities and operations.

The committee on [claims and auditing] facilities and operations shall carefully consider all items of expenditure ordered or contracted on the part of the senate or any of its employees, and report upon the same prior to the voucher being signed by the president and the secretary of the senate, authorizing the payment thereof.

DAILY CONVENING TIME

RULE 9. The president shall call the senate to order each day of sitting at [10] 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 can be in progress, a call of the senate may be moved by three senators, whose names shall be entered upon the journal, and if carried by a majority of all present the secretary shall call the roll and note the absentees, after which the names of the absentees shall again be called. The doors shall then be closed 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 the 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. Introductions, 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 45, 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 class to which it belongs shall be declared in order.

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.] *automatically 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 by 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 [group without applause from the senate] *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 seven days' notice of the motion thereof: PROVIDED, Adoption of permanent rules may be by simple majority without notice, but 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 [roll] vote shall be immediately [called] 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, and at such time only, 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 the 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 [senate] *members present*, and the votes shall be entered upon the journal, and the names of senators demanding the yeas and nays shall also 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, and the announcement of the result of any vote shall not be postponed.

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.

REED'S PARLIAMENTARY RULES

RULE 36. 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.

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.

DECORUM

RULE 40. Indecorous conduct, boisterous or unbecoming language will not be permitted in the senate at any time.

[WITNESSES BEFORE THE SENATE

RULE 41. Witnesses summoned by or behalf of the senate to appear before the senate, or any of its committees, shall be paid for each day's attendance five dollars, and

shall be paid five dollars for maintenance for each day's attendance, for each mile traveled in coming to the place of examination, ten cents: PROVIDED, HOWEVER, No mileage shall be paid except where the witnesses actually traveled for the purpose of giving testimony.]

USE OF SENATE CHAMBERS

RULE 41. [42] The senate chamber and its facilities shall not be used for any but legislative business, except by permission of the senate.

ADMISSION TO THE SENATE

RULE 42. [43.] The sergeant at arms and doorkeepers shall not admit to the floor of the senate during the time the senate is not in session [,] any person other than [one] requested by a senator, the president or secretary of the senate, in writing, *or when personally accompanied by a senator.*

SENATE GALLERY

RULE 43. [44.] The east section of the south gallery is reserved for the use of the governor and state officers and their families, for the families of senators, and for members of the house of representatives and their families.

ADMISSION TO THE FLOOR OF THE SENATE

RULE 44. [45.] The sergeant at arms and doorkeepers shall not admit to the floor of the senate during the session 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 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 in session.

DUTIES OF COMMITTEES

RULE 45. [46.] The several committees shall fully consider all 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.

RULES COMMITTEE DAILY CALENDAR

The committee on rules [and joint 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 [back] *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 [morning] *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.

[WAYS AND MEANS COMMITTEE

The committee on ways and means shall propose and recommend a method of providing sufficient revenues to meet their total recommended appropriations.]

COMMITTEE MEETINGS DURING SESSIONS

No committee shall sit during the daily session of the senate unless by special leave. [See also Rule 48.]

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 46. [47.] 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.

ENROLLED AND ENGROSSED BILLS—REPORT ON

RULE 48. The committee on claims and auditing may meet and report at any time during the sitting of the senate.

Any three members of the subcommittee of Ways and Means on Claims and Auditing may submit a report on engrossed and enrolled bills.]

COMMITTEE REFERENCE

RULE 47. [49.] 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 48. [50.] 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 49. [51.] The rules of the senate shall apply to proceedings in committee of the whole, except that the previous question [on] *or* the motion to lay on the table shall not be ordered, 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 50. [52.] 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 51. [53.] 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 52. [54.] A motion that the committee of the whole rise shall always be in order, and shall be decided without debate. (See also Senate Rule 63.)

MESSAGES RECEIVED WHILE COMMITTEE OF THE WHOLE SITS

RULE 53. [55.] 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 54. [56.] 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 55. [57.] 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 56. [58.] All bills, *joint* resolutions and *joint* memorials [to be] introduced shall be [in quintuplet, each 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 on the thirty-fifth legislative day of the session the filing with the secretary of the senate will be extended to five o'clock in the evening; and that no bill, *joint* resolution or *joint* memorial is to be introduced which has not been in the hands of the secretary at the time above stated.

[The original bill is for the use of the senate, one copy for the printer, two for the secretary and the other for use by the members of the press.] After the thirty-sixth 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 of 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.

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, memorial or resolution shall be filed by title and/or preamble only. (See also Rule 4.)

ONE SUBJECT IN A BILL

RULE 57. [59.] No bill shall embrace more than one subject, and that shall be expressed in the title.

AMENDATORY BILLS

RULE 58. [60.] 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 59. [61.] 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 46 [47] 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 46 [47].

No committee chairman shall exercise a pocket veto of any bills.

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 bills.

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.

The bill with the amendments, if there be any attached thereto, shall be sent to the committee on claims and auditing which committee shall see that all amendments are properly engrossed upon the original bill, and the bill returned to the secretary before the opening of the senate on the next succeeding day.

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 60. [62.] 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 61. [63.] 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 62. [64.] A bill may be committed with special instructions to amend at any time before taking the final vote.

APPROPRIATION BILLS BUDGET

RULE 63. [65.] 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, ETC.

RULE 64. [66.] Unless otherwise ordered, 1,500 copies of all bills of general nature originating in the senate shall be printed for the use of the senate and house of representatives: *PROVIDED*, That upon request of a member of the senate in writing addressed to the secretary of the senate, up to 1,500 additional copies of such bill shall be printed, but under no circumstances shall more than 2,900 copies be printed without the consent of the senate.

FURNISHING FULL FILE OF BILLS

RULE 65. [67.] 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*, That the secretary of the senate is authorized to recoup mailing costs as directed by the rules committee.

QUESTION OF CONSIDERATION

RULE 66. [68.] 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.

NAMES ON ROLL CALL

RULE 67. [69.] The order of names on the roll call shall be determined by the committee on rules.

CONFIRMATION OF GUBERNATORIAL APPOINTEES

RULE 68. [70.] 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.

[The committee shall report to the senate their findings and recommendations within ten days. The committee report will then be referred to the committee on rules.]

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 69. [71.] Any person who shall be employed for pay or for any consideration for the purpose of attempting to influence the passage or defeat of legislation before the Washington state legislature shall be designated as a lobbyist, and shall register with the president of the senate. He shall give in writing his name, business address and the name and address of the person or organization by whom employed. He shall also state whether he is paid on a permanent basis with a lobbying assignment as a partial, temporary, or incidental part of his duties, or whether his employment is solely for lobbying purposes.

Every person so registering shall receive an admission card signed by the president of the senate.

If, after initial registration, a lobbyist is retained for compensation by an additional employer or interest, he shall immediately file a written notice of that fact with the president of the senate.

All lobbying information shall be filed in the president of the senate's office and be available for inspection by the members.]

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 70. [72.] 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 71. [73.] 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.

RULES TO APPLY FOR BIENNIUM

RULE 72. *The permanent senate rules adopted at the regular session shall govern any special session called during the same legislative biennium.*

MOTION

On motion of Senator Francis, the following amendments were adopted:

On page 3, Rule 8, line 1, after "All [supplies]" and before "expenses" insert "necessary".

On page 3, Rule 8, line 3, after "signed" and before "by" insert *for*.

MOTION

Senator Francis moved adoption of the following amendment by Senators Mardesich, Bailey and Francis:

On page 5, Rule 17, strike the second paragraph of Rule 17 (Senate Resolutions) and insert:

"[Senate 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.] *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.*"

POINT OF INQUIRY

Senator Lewis (Harry): "Will Senator Bailey yield to a question? Senator Bailey, I

would like to understand fully how you intend to handle Senate floor resolutions. Do you intend to handle them on a daily basis? Do you intend to let them accumulate into big piles? Is this going to be an orderly procedure which was our purpose in our meeting? Could you respond to that please?"

Senator Bailey: "Senator Lewis, I think there is an order of business for Senate resolutions and we should take them up every day, and it is the right of any member to call up a Senate resolution. It is also the right of any member to refer the resolution to a committee so we would have to deal with that as time went on, but if you are on the ball and get there for a Senate resolution at the order of business, I think we would consider them every day.

"I think we are trying to reform here. I agree with Senator Francis. We were trying to reform in the special committee on rules and we were not trying to take away the rights of any member on the floor. We were trying to protect the members on the floor from a vast number of — first, there is the 'hero' resolution which takes time and puts us in ridiculous spots sometimes. Secondly, there is the vast pile of resolutions in which we vote and we do not always know what we are voting on at the end of the session because there may be a hundred of them come in at once and we thought we would protect the members better by not having them out here just voting yea and nay and passing resolutions without study. It is an effort to reform and to help the members rather than to deprive them. I think Senator Francis's amendment does it, but we would intend not to pile these up but we cannot promise you that when we see a resolution which you put in that we do not want to meet that we might want to hold it over forever."

REMARKS BY SENATOR HARRY LEWIS

Senator Lewis (Harry): "From the minority standpoint this actually strengthens our position, in my judgment. If all resolutions went into Rules, of course, then the majority would have an additional handle whereas we would have the political advantage of having resolutions on the desk that we could consider, providing we got them in before the fiftieth day. This would also, as Senator Bailey said, permit the collection of resolutions which accumulate by the hundreds right at the tail end and provide responsibilities for interim work to be slipped through, in effect, by, as our practice has been, adopting resolutions in large bunches and heaps without fully understanding what is in them. So the change that the majority is suggesting here, from our viewpoint, would be one that I do not believe would hurt us. However, we have not had a chance, Senator Mardesich, Senator Bailey, to discuss this amendment in caucus and it really is the pleasure of our side, if you wanted to caucus on this, why we would like to know about it. I personally see no objection to this methodology. In fact, I think from the minority standpoint it is perhaps more constructive and it is a sharp reform from where we were last session."

Debate ensued.

The motion by Senator Francis carried and the amendment was adopted.

MOTION

Senator Grant moved adoption of the following amendment:

On page 17, Rule 65, (New Rule 63), on the last line of Rule 65, strike "elected" and insert "*present*".

POINT OF INQUIRY

Senator Rasmussen: "Senator Grant, you are striking or making the amendment to old rule 65 or new rule 63?"

Senator Grant: "I am only striking, Senator, the last word in new rule 63 which is 'elected' and inserting instead the word '*present*'."

Senator Rasmussen: "Thank you."

MOTION

At 11:40 a.m., on motion of Senator Matson, the Senate was declared to be at ease. President Pro Tempore Henry called the Senate to order at 12:05 p.m.

The Senate resumed consideration of the amendment by Senator Grant to the Senate Rules.

Debate ensued.

The motion by Senator Grant failed and the amendment was not adopted.

MOTION

Senator Rasmussen moved adoption of the following amendment:

On page 17, strike all of Rule 66 (New Rule 64).

Debate ensued.

The motion by Senator Rasmussen carried and the amendment was adopted.

The motion by Senator Mardesich carried and the resolution, as amended, was adopted.

NOTICE OF CONSIDERATION

Senator Washington gave notice that on Wednesday, January 22, 1975 he would ask for consideration of proposed rule changes to the Senate Rules.

Senator Washington gave notice that consideration of the proposed rule changes would be a special order of business on that day.

NOTICE OF CONSIDERATION

Senator Mardesich served notice that there would be an amendment on each member's desk today regarding printing of bills and charges therefor in distribution.

NOTICE OF CONSIDERATION

Senator Scott served notice that on Wednesday, January 22, 1975 he would ask for consideration of a proposed rule change to Senate Rule 17.

MOTION

Senator Francis moved adoption of the following resolution:

SENATE RESOLUTION 1975-5

By Senators Fleming, Francis and Grant:

WHEREAS, We, the members of the Senate congregated here this fifteenth day of January to carry out the responsibilities delegated to us by the citizens of this state, reflect for a moment that there once was among us a man who, with the help of the Lord, set an example of spirit and conduct for all of us to emulate; and

WHEREAS, The Reverend Dr. Martin Luther King, Jr., was a God-fearing man whose life was devoted toward the betterment of the quality of life for the oppressed and the poor in America; and

WHEREAS, This man, a man of great compassion and understanding wrote while in jail "There are just laws and there are unjust laws. Any law that degrades the human personality is unjust"; and

WHEREAS, The Reverend Dr. King, a man who loved God and loved mankind, challenged injustices in our society and endured abuse so that he could devote his life to serving God and serving his people; and

WHEREAS, This Nobel laureate, this citizen of the world, gave hope to millions by calling for the fulfillment of his dream, a dream depicting a world free of prejudice, discrimination, slums, poverty, hunger, and disease; and

WHEREAS, This great American, champion of minorities and the oppressed, was assassinated while espousing his principles of pacificism, an act which brought grief to all of us;

NOW, THEREFORE, BE IT RESOLVED, That on this day, we, the Senate of the State of Washington, pause in our endeavors to pay homage 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 and equality for all;

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

REMARKS BY SENATOR FRANCIS

Senator Francis: "Mr. President and members of the Senate, Senator Fleming wished to be here today and to move and speak to this resolution and could not because he was in Seattle, and he asked me to do it, and I regard it as a great privilege. I think that the resolution speaks for itself. I think that it is a good tradition that we have established to remember Martin Luther King, Jr.'s birthday. He is one of the great men of our history and an inspiration to me and I think an inspiration to many of you, both as an apostle of non-violence, for many of the other things that he has done, but in particular, as it says in this resolution, because he was concerned about the oppressed. And I do not think that we have to look to the color of anyone's skin or anything else to look for oppression. I think wherever we see injustice, wherever we see people pigeonholed on account of some circumstance that they find themselves in life and being judged on something other than themselves as human beings, that we find oppression. And I hope that you will join with me in supporting this very fine resolution. Thank you."

REMARKS BY SENATOR GRANT

Senator Grant: "I also consider it an honor to have the opportunity to co-sponsor this resolution with Senator Fleming, who requested that I do so, and I would just like to call to mind the inscription which is kind of the motto of this country that exists at the base of the Statue of Liberty, I am told. I have not seen it. It goes: 'Give me your tired, your poor, the wretched refuse of your teeming shore,' and on. I think that motto should apply to peoples all over the world, not just to those Northern Europeans that settled in our country at first, but also to the blacks, the browns, the yellow members of our society, all people who are oppressed, wretched, poor, for whom we should provide an opportunity in this country. And I think that Martin Luther King was one that exemplified this in his lifetime, the motto of our nation, and also should be honored, especially for his work."

The motion by Senator Francis carried and the resolution was adopted.

MOTION

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

SENATE RESOLUTION 1975-6

By Senators Sandison, Newschwander, Stortini, Guess, Odegaard, Donohue and Benitz:

WHEREAS, The Legislature of the state of Washington directed that the Committee on Higher Education and the Committee on Education, pursuant to SR 73-71,

established a six-member Select Committee to study the delivery systems for vocational education and report its findings and recommendations to the 1975 regular session; and

WHEREAS, Various alternative solutions are under consideration which might alter the state education organizational structure; and

WHEREAS, There are pending in the Congress amendments to the Vocational Education Act of 1946, as amended, which could affect the outcome of such study;

NOW, THEREFORE, BE IT RESOLVED, By the Senate, that the Senate Select Committee on Vocational Education be continued to carry out its special study and report its findings and recommendations to the 44th Legislature as soon as possible, but prior to the conclusion of the 1975 regular legislative session.

BE IT FURTHER RESOLVED, That the Secretary of the Senate transmit copies of this resolution to the House of Representatives, the Governor, the Superintendent of Public Instruction, and the directors of the State Board for Community College Education and the Coordinating Council for Occupational Education.

MOTION

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

SENATE RESOLUTION 1975-7

By Senators Bailey and Mardesich:

BE IT RESOLVED, That the standing committees of the Senate shall consist of the following members:

1975 STANDING COMMITTEES

AGRICULTURE (5): Senator Jolly, Chairman; Senators Benitz, Day, Sellar, Wilson.

COMMERCE (5): Senator Van Hollebeke, Chairman; Senators Cunningham, Morrison, Peterson, Ridder.

CONSTITUTION AND ELECTIONS (6): Senator Beck, Chairman; Senators Grant, Lewis (R. H. "Bob"), Pullen, Stortini, Washington.

ECOLOGY (7): Senator Washington, Chairman; Senators Donohue, Goltz, Guess, Murray, North, Sandison.

EDUCATION (7): Senator Stortini, Chairman; Senators Gould, Francis, McDermott, Murray, Newschwander, von Reichbauer.

FINANCIAL INSTITUTIONS (7): Senator Woody, Chairman; Senators Bluechel, Clarke, Herr, Jones, Mardesich, Walgren.

HIGHER EDUCATION (7): Senator Sandison, Chairman; Senators Benitz, Donohue, Goltz, Guess, Odegaard, Scott.

JUDICIARY (11): Senator Francis, Chairman; Senators Bottiger, Buffington, Clarke, Fleming, Jones, Keefe, Marsh, Scott, Van Hollebeke, Woody.

LABOR (7): Senator Ridder, Chairman; Senators Bailey, Grant, Matson, Morrison, Sellar, von Reichbauer.

LOCAL GOVERNMENT (9): Senator Fleming, Chairman; Senators Jolly, Lewis (R. H. "Bob"), McDermott, North, Sellar, Talley, Walgren, Wilson.

NATURAL RESOURCES (9): Senator Peterson, Chairman; Senators Beck, Bluechel, Grant, Lewis (Harry), Pullen, Rasmussen, Sandison, Talley.

PARKS AND RECREATION (5): Senator Knoblauch, Chairman; Senators Bailey, Gould, Odegaard, Wanamaker.

RULES (13): Lieutenant Governor John A. Cherberg, Chairman; Senators Bailey, Bottiger, Clarke, Guess, Henry, Herr, Keefe, Lewis (Harry), Mardesich, Marsh, Matson, Newschwander, Talley.

SOCIAL AND HEALTH SERVICES (13): Senator Day, Chairman; Senator von

Reichbauer, Vice Chairman; Senators Buffington, Cunningham, Francis, Goltz, Gould, Herr, McDermott, North, Pullen, Ridder, Van Hollebeke.

STATE GOVERNMENT (7): Senator Rasmussen, Chairman; Senators Buffington, Cunningham, Day, Henry, Knoblauch, Wanamaker.

TRANSPORTATION AND UTILITIES (17): Senator Walgren, Chairman; Senator Henry, Vice Chairman; Senators Beck, Benitz, Bluechel, Bottiger, Guess, Jolly, Keefe, Knoblauch, Lewis (R. H. "Bob"), Morrison, Peterson, Sellar, Stortini, Talley, Wanamaker.

WAYS AND MEANS (19): Senator Donohue, Chairman; Senator Odegaard, Vice Chairman; Senator Wilson, 2nd Vice Chairman; Senators Bailey, Clarke, Fleming, Grant, Jones, Lewis (Harry), Mardesich, Marsh, Matson, Murray, Newschwander, Rasmussen, Sandison, Scott, Washington, Woody.

1973 STANDING COMMITTEES — INDIVIDUAL ASSIGNMENTS

BAILEY, ROBERT C.: Labor, Parks and Recreation, Rules, Ways and Means.

BECK, CLIFFORD W. "RED": Constitution and Elections, Chairman; Natural Resources, Transportation and Utilities.

BENITZ, MAX E.: Agriculture, Higher Education, Transportation and Utilities.

BLUECHEL, ALAN: Financial Institutions, Natural Resources, Transportation and Utilities.

BOTTIGER, R. TED: Judiciary, Rules, Transportation and Utilities.

BUFFINGTON, NANCY: Judiciary, Social and Health Services, State Government.

CLARKE, GEORGE W.: Financial Institutions, Judiciary, Rules, Ways and Means.

CUNNINGHAM, JOHN E. (JACK): Commerce, Social and Health Services, State Government.

DAY, WILLIAM S.: Social and Health Services, Chairman; Agriculture, State Government.

DONOHUE, HUBERT F.: Ways and Means, Chairman; Ecology, Higher Education.

FLEMING, GEORGE: Local Government, Chairman; Judiciary, Ways and Means.

FRANCIS, PETE: Judiciary, Chairman; Education, Social and Health Services.

GOLTZ, H. A. "BARNEY": Ecology, Higher Education, Social and Health Services.

GOULD, SUSAN E.: Education, Parks and Recreation, Social and Health Services.

GRANT, GARY: Constitution and Elections, Labor, Natural Resources, Ways and Means.

GUESS, SAM C.: Ecology, Higher Education, Rules, Transportation and Utilities.

HENRY, AL: Transportation and Utilities, Vice Chairman; Rules, State Government.

HERR, GORDON: Financial Institutions, Rules, Social and Health Services.

JOLLY, DAN: Agriculture, Chairman; Local Government, Transportation and Utilities.

JONES, JOHN D.: Financial Institutions, Judiciary, Ways and Means.

KEEFE, JAMES E.: Judiciary, Rules, Transportation and Utilities.

KNOBLAUCH, REUBEN A.: Parks and Recreation, Chairman; State Government, Transportation and Utilities.

LEWIS, HARRY B.: Natural Resources, Rules, Ways and Means.

LEWIS, R. H. "Bob": Constitution and Elections, Local Government, Transportation and Utilities.

MARDESICH, AUGUST P.: Financial Institutions, Rules, Ways and Means.

MARSH, DAN: Judiciary, Rules, Ways and Means.

- MATSON, JIM: Labor, Rules, Ways and Means.
- McDERMOTT, JAMES A.: Education, Local Government, Social and Health Services.
- MORRISON, SID W.: Commerce, Labor, Transportation and Utilities.
- MURRAY, JOHN S.: Ecology, Education, Ways and Means.
- NEWSCHWANDER, CHARLES E.: Education, Rules, Ways and Means.
- NORTH, LOIS: Ecology, Local Government, Social and Health Services.
- ODEGAARD, GARY M.: Ways and Means, Vice Chairman; Higher Education, Parks and Recreation.
- PETERSON, LOWELL: Natural Resources, Chairman; Commerce, Transportation and Utilities.
- PULLEN, KENT: Constitution and Elections, Natural Resources, Social and Health Services.
- RASMUSSEN, A. L. "SLIM": State Government, Chairman; Natural Resources, Ways and Means.
- RIDDER, RUTHE: Labor, Chairman; Commerce, Social and Health Services.
- SANDISON, GORDON: Higher Education, Chairman; Ecology, Natural Resources, Ways and Means.
- SCOTT, GEORGE W.: Higher Education, Judiciary, Ways and Means.
- SELLAR, GEORGE L.: Agriculture, Labor, Local Government, Transportation and Utilities.
- STORTINI, JOE: Education, Chairman; Constitution and Elections, Transportation and Utilities.
- TALLEY, DON L.: Local Government, Natural Resources, Rules, Transportation and Utilities.
- VAN HOLLEBEKE, RAY: Commerce, Chairman; Judiciary, Social and Health Services.
- von REICHBAUER, PETER: Social and Health Services, Vice Chairman; Education, Labor.
- WALGREN, GORDON L.: Transportation and Utilities, Chairman; Financial Institutions, Local Government.
- WANAMAKER, F. "PAT": Parks and Recreation, State Government, Transportation and Utilities.
- WASHINGTON, NAT W.: Ecology, Chairman; Constitution and Elections, Ways and Means.
- WILSON, BRUCE A.: Ways and Means, 2nd Vice Chairman; Agriculture, Local Government.
- WOODY, FRANK J.: Financial Institutions, Chairman; Judiciary, Ways and Means.

MOTION

On motion of Senator Mardesich, the committee appointees were confirmed.

MOTION

At 12:35 p.m., on motion of Senator Mardesich, the Senate adjourned until 11:00 a.m., Thursday, January 16, 1975.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

FOURTH DAY**MORNING SESSION**

Senate Chamber, Olympia, Thursday, January 16, 1975.

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 Fleming and Grant. On motion of Senator Knoblauch, Senators Fleming and Grant were excused.

The Color Guard, consisting of Pages Phyllis Schwithart and Darron Pease, presented the Colors. Doctor Henry S. Rahn, pastor emeritus of the First Baptist Church of Olympia, offered the following prayer:

"ETERNAL GOD OUR FATHER, FROM EVERLASTING TO EVERLASTING THOU ART GOD. THY MAJESTY IS WRITTEN IN THE HEAVENS. THY GLORY OVERSHADOWS THE EARTH. THY GOODNESS IS RENEWED TO US DAY BY DAY. SUPPORT US THIS DAY IN ALL THAT IS GOOD. KEEP US FROM ALL THAT IS UNWORTHY. GUIDE THE IMAGINATION OF OUR MINDS, STRENGTHEN THE LABOR OF OUR HANDS, AND INSPIRE THE DEDICATION OF OUR HEARTS AS WE SERVE THEE AND OUR FELLOW MAN. IN OUR MASTER'S NAME. AMEN."

MOTION

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

REPORT OF STANDING COMMITTEE

January 15, 1975.

SENATE BILL NO. 2033, requiring an annual physical exam of participants in certain amateur athletic events (reported by Committee on Education):

Recommendation: Do pass as amended.

Signed by: Senators Stortini, Chairman; Francis, Gould, McDermott, Murray, Newschwander, von Reichbauer.

MOTION

On motion of Senator Mardesich, the rules were suspended and the Senate commenced consideration of Senate Bill No. 2033.

SENATE BILL NO. 2033, by Senators Stortini and von Reichbauer:

Requiring an annual physical examination of participants in certain amateur athletic events.

REPORT OF STANDING COMMITTEE

January 15, 1975.

SENATE BILL NO. 2033, requiring an annual physical exam of participants in certain amateur athletic events (reported by Committee on Education):

Recommendation: Do pass with the following amendments:

On page 2, add a new section to read 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.

On line 3 of the title after "RCW 67.08.015" and before the period insert "and declaring an emergency".

Signed by: Senators Stortini, Chairman; Francis, Gould, McDermott, Murray, Newschwander, von Reichbauer.

The bill was read the second time by sections.

On motion of Senator Stortini, the committee amendments were adopted.

On motion of Senator Mardesich, the rules were suspended, Engrossed Senate Bill No. 2033 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. 2033 and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Francis, Goltz, Gould, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—46.

Voting nay; Senator Cunningham—1.

Excused: Senators Fleming, Grant—2.

ENGROSSED SENATE BILL NO. 2033, having received the 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 Stortini, Engrossed Senate Bill No. 2033 was ordered immediately transmitted to the House.

MESSAGE FROM THE HOUSE

January 15, 1975.

Mr. President: The House has passed ENGROSSED HOUSE BILL NO. 117, and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

INTRODUCTION AND FIRST READING

SENATE BILL NO. 2094, by Senators Mardesich, Lewis (Harry), Bailey, North and Ridder:

An Act relating to employer-employee relations in the public sector; providing for an educational employment relations act; amending section 1, chapter 105, Laws of 1973 1st ex. sess. and RCW 28A.01.130; amending section 22, chapter 34, Laws of 1969 ex. sess. and RCW 28A.67.065; adding new sections as a new chapter in Title 41 RCW; repealing section 28A.72.010, chapter 223, Laws of 1969 ex. sess. and RCW 28A.72.010; repealing section 28A.72.020, chapter 223, Laws of 1969 ex. sess. and RCW 28A.72.020; repealing section 28A.72.030, chapter 223, Laws of 1969 ex. sess. and RCW 28A.72.030; repealing section 28A.72.050, chapter 223, Laws of 1969 ex. sess. and RCW 28A.72.050; repealing section 28A.72.060, chapter 223, Laws of 1969

ex. sess., section 3, chapter 52, Laws of 1969 ex. sess. and RCW 28A.72.060; repealing section 28A.72.070, chapter 223, Laws of 1969 ex. sess., section 4, chapter 52, Laws of 1969 ex. sess. and RCW 28A.72.070; repealing section 28A.72.080, chapter 223, Laws of 1969 ex. sess. and RCW 28A.72.080; repealing section 28A.72.090, chapter 223, Laws of 1969 ex. sess. and RCW 28A.72.090; repealing section 1, chapter 115, Laws of 1973 1st ex. sess. and RCW 28A.72.100; repealing section 1, chapter 196, Laws of 1971 ex. sess. and RCW 28B.52.010; repealing section 2, chapter 196, Laws of 1971 ex. sess., section 1, chapter 205, Laws of 1973 1st ex. sess. and RCW 28B.52.020; repealing section 3, chapter 196, Laws of 1971 ex. sess., section 2, chapter 205, Laws of 1973 1st ex. sess. and RCW 28B.52.030; repealing section 4, chapter 196, Laws of 1971 ex. sess. and RCW 28B.52.050; repealing section 5, chapter 196, Laws of 1971 ex. sess., section 3, chapter 205, Laws of 1973 1st ex. sess. and RCW 28B.52.060; repealing section 6, chapter 196, Laws of 1971 ex. sess. and RCW 28B.52.070; repealing section 7, chapter 196, Laws of 1971 ex. sess., section 5, chapter 205, Laws of 1973 1st ex. sess. and RCW 28B.52.080; repealing section 8, chapter 196, Laws of 1971 ex. sess. and RCW 28B.52.090; repealing section 9, chapter 196, Laws of 1971 ex. sess. and RCW 28B.52.100; repealing section 4, chapter 205, Laws of 1973 1st ex. sess. and RCW 28B.52.035; repealing section 6, chapter 205, Laws of 1973 1st ex. sess. and RCW 28B.52.200; creating new sections; and establishing certain effective dates.

Referred to Committee on Labor.

SENATE BILL NO. 2095, by Senators Walgren, Lewis (Harry) and Donohue:

An Act relating to a study of community college district administration costs; creating new sections; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.50 RCW; and making an appropriation.

Referred to Committee on Higher Education.

SENATE BILL NO. 2096, by Senators Lewis (Harry), Walgren, Donohue and McDermott:

An Act relating to a study of school district administration costs; creating new sections; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.03 RCW; and making an appropriation.

Referred to Committee on Education.

SENATE BILL NO. 2097, by Senators Woody, Gould and Knoblauch (by State Parks and Recreation Commission request):

An Act relating to state government; amending section 43.51.530, chapter 8, Laws of 1965 as amended by section 3, chapter 96, Laws of 1969 ex. sess. and RCW 43.51.530; amending section 43.51.540, chapter 8, Laws of 1965 and RCW 43.51.540; and amending section 43.51.570, chapter 8, Laws of 1965 as amended by section 85, chapter 154, Laws of 1973 1st ex. sess. and RCW 43.51.570.

Referred to Committee on Parks and Recreation.

SENATE BILL NO. 2098, by Senators Grant and Murray:

An Act relating to school directors' associations; providing for a form of weighted voting therefor; and adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.61 RCW.

Referred to Committee on Education.

SENATE BILL NO. 2099, by Senators Henry, Sellar and Washington:

An Act relating to joint operating agencies (power commission); amending section 43.52.300, chapter 8, Laws of 1965 and RCW 43.52.300.

MOTION

On motion of Senator Mardesich, Senate Bill No. 2099 was referred to the Committee on Transportation and Utilities.

SENATE BILL NO. 2100, by Senators Day, Buffington and Gould:

An Act relating to public health and safety; regulating medical laboratories; adding a new chapter to Title 70 RCW; and prescribing penalties.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2101, by Senators Day and von Reichbauer:

An Act relating to the treatment of sexual psychopaths; and amending section 71.06.140, chapter 25, Laws of 1959 as amended by section 6, chapter 104, Laws of 1967 and RCW 71.06.140.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2102, by Senators Odegaard, Benitz and Bottiger:

An Act relating to mobile homes, amending section 28A.45.030, chapter 223, Laws of 1969 ex. sess. and RCW 28A.45.030; amending section 28A.45.040, chapter 223, Laws of 1969 ex. sess. and RCW 28A.45.040; amending section 28A.45.050, chapter 223, Laws of 1969 ex. sess. and RCW 28A.45.050; amending section 28A.45.060, chapter 223, Laws of 1969 ex. sess. and RCW 28A.45.060; amending section 28A.45.090, chapter 223, Laws of 1969 ex. sess. and RCW 28A.45.090; amending section 28A.45.100, chapter 223, Laws of 1969 ex. sess. and RCW 28A.45.100; amending section 28A.45.105, chapter 223, Laws of 1969 ex. sess. and RCW 28A.45.105; amending section 28A.45.120, chapter 223, Laws of 1969 ex. sess. and RCW 28A.45.120; amending section 46.12.030, chapter 12, Laws of 1961 as last amended by section 1, chapter 128, Laws of 1974 ex. sess. and RCW 46.12.030; amending section 20, chapter 231, Laws of 1971 ex. sess. as amended by section 6, chapter 103, Laws of 1973 and RCW 46.16.104; amending section 21, chapter 231, Laws of 1971 ex. sess. and RCW 46.16.105; amending section 82.08.030, chapter 15, Laws of 1961 as last amended by section 1, chapter 185, Laws of 1974 ex. sess. and RCW 82.08.030; amending section 82.12.030, chapter 15, Laws of 1961 as last amended by section 2, chapter 185, Laws of 1974 ex. sess. and RCW 82.12.030; amending section 68, chapter 299, Laws of 1971 ex. sess. and RCW 82.50.530; amending section 84.60.020, chapter 15, Laws of 1961 and RCW 84.60.020; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.45 RCW; creating new sections; and repealing section 73, chapter 299, Laws of 1971 ex. sess., section 5, chapter 103, Laws of 1973 and RCW 82.50.902.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2103, by Senator Day (by Department of Motor Vehicles request):

An Act relating to midwifery; and repealing sections 1 through 12, chapter 160, Laws of 1917 and RCW 18.50.010 through 18.50.080, 18.50.100, 18.50.120, 18.50.130 and 18.50.900.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2104, by Senators Bottiger, Donohue and Odegaard:

An Act relating to real property taxes; amending section 84.41.040, chapter 15, Laws of 1961 as last amended by section 1, chapter 131, Laws of 1974 ex. sess. and RCW 84.41.040; adding a new section to chapter 84.41 RCW; and providing an effective date.

MOTION

On motion of Senator Mardesich, Senate Bill No. 2104 was referred to the Committee on Ways and Means.

SENATE BILL NO. 2105, by Senators Guess, Walgren, Henry and Washington:

An Act relating to motor vehicles and their operation upon highways; amending section 36.75.010, chapter 4, Laws of 1963 as amended by section 1, chapter 182, Laws

of 1969 ex. sess. and RCW 36.75.010; amending section 86, chapter 155, Laws of 1965 ex. sess. and RCW 46.04.071; amending section 46.04.080, chapter 12, Laws of 1961 and RCW 46.04.080; amending section 46.04.100, chapter 12, Laws of 1961 and RCW 46.04.100; amending section 46.04.220, chapter 12, Laws of 1961 and RCW 46.04.220; amending section 46.04.350, chapter 12, Laws of 1961 and RCW 46.04.350; amending section 46.04.370, chapter 12, Laws of 1961 as amended by section 1, chapter 32, Laws of 1967 and RCW 46.04.370; amending section 46.04.560, chapter 12, Laws of 1961 and RCW 46.04.560; amending section 46.04.650, chapter 12, Laws of 1961 and RCW 46.04.650; amending section 46.52.020, chapter 12, Laws of 1961 as amended by section 53, chapter 32, Laws of 1967 and RCW 46.52.020; amending section 46.52.080, chapter 12, Laws of 1961 as last amended by section 58, chapter 32, Laws of 1967 and RCW 46.52.080; amending section 3, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.015; amending section 7, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.050; amending section 8, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.055; amending section 9, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.060; amending section 10, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.065; amending section 16, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.105; amending section 18, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.115; amending section 22, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.135; amending section 27, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.160; amending section 28, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.180; amending section 30, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.190; amending section 40, chapter 155, Laws of 1965 ex. sess. as amended by section 61, chapter 281, Laws of 1969 ex. sess. and RCW 46.61.290; amending section 41, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.295; amending section 43, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.305; amending section 48, chapter 155, Laws of 1965 ex. sess. as amended by section 7, chapter 100, Laws of 1970 ex. sess. and RCW 46.61.350; amending section 49, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.355; amending section 46.48.046, chapter 12, Laws of 1961 and RCW 46.61.435; amending section 46.48.023, chapter 12, Laws of 1961 as amended by section 5, chapter 16, Laws of 1963 and RCW 46.61.440; amending section 66, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.570; amending section 67, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.575; amending section 70, chapter 155, Laws of 1965 ex. sess. as amended by section 5, chapter 232, Laws of 1967 and RCW 46.61.610; amending section 75, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.635; amending section 85, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.780; amending section 47.04.010, chapter 13, Laws of 1961 as amended by section 42, chapter 145, Laws of 1967 ex. sess. and RCW 47.04.010; adding new sections to chapter 12, Laws of 1961 and to chapter 46.04 RCW; adding a new section to chapter 12, Laws of 1961 and to chapter 46.52 RCW; adding new sections to chapter 12, Laws of 1961 and to chapter 46.61 RCW; repealing section 46.04.230, chapter 12, Laws of 1961 and RCW 46.04.230; repealing section 46.04.250, chapter 12, Laws of 1961 and RCW 46.04.250; repealing section 50, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.360; and repealing section 56, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.420.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 2106, by Senator Walgren:

An Act relating to energy consuming utilities; and adding a new chapter to Title 39 RCW.

MOTION

On motion of Senator Mardesich, Senate Bill No. 2106 was referred to the Committee on Transportation and Utilities.

SENATE BILL NO. 2107, by Senators North and Francis:

An Act relating to judgments; and adding a new section to chapter 4.56 RCW.
Referred to Judiciary Committee.

SENATE BILL NO. 2108, by Senators Clarke, Francis and Jones (by Uniform Law Commission request):

An Act relating to the recognition of foreign money-judgments; enacting the Uniform Foreign Money-Judgments Recognition Act; creating a new chapter in Title 6 RCW; and providing an effective date.

Referred to Judiciary Committee.

SENATE BILL NO. 2109, by Senators Donohue and Walgren (by Department of Motor Vehicles request):

An Act relating to motor vehicles; and amending section 46.12.040, chapter 12, Laws of 1961 as amended by section 2, chapter 128, Laws of 1974 ex. sess. and RCW 46.12.040.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 2110, by Senators Walgren, Washington and Wanamaker:

An Act relating to a model traffic ordinance for cities, towns, and counties; creating a new chapter in Title 46 RCW; creating new sections; and providing penalties.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 2111, by Senator Francis:

An Act relating to municipal courts; and adding a new section to chapter 35.20 RCW.

Referred to Judiciary Committee.

SENATE BILL NO. 2112, by Senator Pullen:

An Act relating to electrical inspections; and adding a new section to chapter 70.54 RCW.

Referred to Committee on Labor.

SENATE BILL NO. 2113, by Senators Francis, Scott, Goltz and Ridder:

An Act relating to beverage container control; adding a new chapter to Title 69 RCW; defining crimes; prescribing penalties; and declaring an emergency.

Referred to Committee on Commerce.

SENATE BILL NO. 2114, by Senator Francis:

An Act relating to municipal courts; and adding a new section to chapter 35.20 RCW.

Referred to Judiciary Committee.

SENATE BILL NO. 2115, by Senator Francis:

An Act relating to municipal courts; amending section 100, chapter 299, Laws of 1961 as last amended by section 6, chapter 149, Laws of 1974 ex. sess. and RCW 3.58.010; and amending section 35.20.160, chapter 7, Laws of 1965 as amended by section 3, chapter 147, Laws of 1965 and RCW 35.20.160.

Referred to Judiciary Committee.

SENATE BILL NO. 2116, by Senators Newschwander, Washington and von Reichbauer:

An Act relating to education; and amending section 3, chapter 10, Laws of 1972 ex. sess. and RCW 28A.58.100.

Referred to Committee on Education.

There being no objection, the rules were suspended and additional sponsors were permitted on the following Senate bills: 2094, 2096, 2105 and 2113.

INTRODUCTION AND FIRST READING

ENGROSSED HOUSE BILL NO. 117, by Representatives Perry and Berentson:

Extending the reporting time for the study of transportation taxing.

MOTIONS

On motion of Senator Mardesich, the rules were suspended and Engrossed House Bill No. 117 was advanced to second reading and read the second time in full.

On motion of Senator Walgren, the following amendments were considered and adopted simultaneously:

On page 1, beginning on line 7, strike all the matter down through "is" on line 8 and insert: "The senate and house transportation and utilities committees are".

On page 1, line 20, strike "[The committees are] *Said committee is*" and insert "The committees are".

On page 1, beginning on line 28, strike "[The committees are] *Said committee is*" and insert "The committees are".

On motion of Senator Mardesich, the rules were suspended, Engrossed House Bill No. 117, 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. 117, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 2; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Goltz, Gould, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanmaker, Washington, Wilson, Woody—45.

Absent or not voting: Senators Cunningham, Francis—2.

Excused: Senators Fleming, Grant—2.

ENGROSSED HOUSE BILL NO. 117, 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.

PERSONAL PRIVILEGE

Senator Lewis (Harry): "Mr. President and members of the Senate, while the majority handled these two bills very expeditiously and the minority was glad to cooperate and understands the need for moving rapidly, we would like to remind the members of the Senate, without criticism, that the procedures of the legislature normally require committee action, that this is a superior way of handling legislation and that except for emergencies of this type, why we would hope that we would follow those procedures. I have talked to Senator Bailey about this and I am sure he understands it, but I did want to make that point at this time."

MOTION

At 11:32 a.m., on motion of Senator Mardesich, the Senate adjourned until 11:00, Friday, January 17, 1975.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

FIFTH DAY**MORNING SESSION**

Senate Chamber, Olympia; Friday, January 17, 1975.

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 Lori Dickinson and Kevn Briscoe, presented the Colors. Doctor Henry S. Rahn, pastor emeritus of the First Baptist Church of Olympia, offered the following prayer:

"ETERNAL AND EVER LIVING GOD, WHO HAST BEEN BEFORE THE WORLD WAS FORMED OR EVER MAN DREW BREATH; THOU MAKEST THYSELF KNOWN IN THE STILLNESS AND IN THE FLURRY OF LIFE. LIFT THE LIGHT OF THY COUNTENANCE UPON US, CALM EVERY TROUBLED THOUGHT, AND GUIDE OUR EVERY ACTION. ENLARGE AND MAKE CLEAR OUR HORIZON. PERFECT THY STRENGTH IN OUR WEAKNESS. FURNISH US WITH HIGH DEVOTION AND ENDURING COURAGE. IN OUR MASTERS' NAME. AMEN."

MOTION

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

REPORT OF STANDING COMMITTEE

January 16, 1975.

SENATE BILL NO. 2090, making miscellaneous changes in education code (reported by Committee on Education):

MAJORITY recommendation: Do pass.

Signed by: Senators Stortini, Chairman; Gould, McDermott, Murray, Newschwander.

Passed to Committee on Rules for second reading.

**MESSAGE FROM THE SECRETARY OF STATE
DEPARTMENT OF STATE
OFFICE OF THE SECRETARY**

January 13, 1975.

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

SIR:

I have the honor to transmit herewith, pursuant to Article 3, Section 12, of the Constitution of the State of Washington, for the consideration of the Senate, copies of the following bills passed by the Senate and House of Representatives at the Third Extraordinary Session of the Forty-third Legislature, and partially vetoed by the Governor after the adjournment of said session, together with his veto messages attached thereto: Substitute Senate Bill No. 3146, Senate Bill No. 3202, Senate Bill No. 3358, Substitute Senate

Bill No. 3277, Substitute Senate Bill No. 2906, Third Substitute Senate Bill No. 2940, Substitute Senate Bill No. 3253 and Substitute Senate Bill No. 3312.

I hereby certify that the attached are full, true, and correct copies of the originals of these documents presently on file in my office.

IN WITNESS WHEREOF, I have signed my name and have affixed the seal of the State of Washington at Olympia, this thirteenth day of January, A.D., 1975.

A. LUDLOW KRAMER
Secretary of State.

MOTION

On motion of Senator Mardesich, the partially vetoed bills and the governor's veto message thereto were referred to the Senate Committee on Rules.

MOTION

On motion of Senator Mardesich, there being no objection, Senate Concurrent Resolution No. 102 will be held on the desk of the Secretary of the Senate.

INTRODUCTION AND FIRST READING

SENATE BILL NO. 2117, by Senators Walgren, Beck and Guess (by Department of Highways request):

An Act relating to state government; amending section 47.12.060, chapter 13, Laws of 1961 and RCW 47.12.060; amending section 47.12.070, chapter 13, Laws of 1961 as amended by section 2, chapter 91, Laws of 1969 and RCW 47.12.070; amending section 47.12.080, chapter 13, Laws of 1961 and RCW 47.12.080; amending section 47.12.130, chapter 13, Laws of 1961 and RCW 47.12.130; amending section 47.12.150, chapter 13, Laws of 1961 and RCW 47.12.150; and amending section 2, chapter 177, Laws of 1973 1st ex. sess. and RCW 47.12.290.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 2118, by Senators Beck and Guess (by Department of Highways request):

An Act relating to bicycles; 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 new sections to chapter 46.61 RCW to be codified as RCW 46.61.757 and 46.61.773.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 2119, by Senators Mardesich, Matson, Day, Gould and Scott:

An Act relating to certain school district employees; providing an educational employment relations act; amending section 1, chapter 105, Laws of 1973 1st ex. sess. and RCW 28A.01.130; amending section 22, chapter 34, Laws of 1969 ex. sess. and RCW 28A.67.065; adding new sections to Title 41 RCW as a new chapter thereof; repealing section 28A.72.010, chapter 223, Laws of 1969 ex. sess. and RCW 28A.72.010; repealing section 28A.72.020, chapter 223, Laws of 1969 ex. sess. and RCW 28A.72.020; repealing section 28A.72.030, chapter 223, Laws of 1969 ex. sess. and RCW 28A.72.030; repealing section 28A.72.050, chapter 223, Laws of 1969 ex. sess. and RCW 28A.72.050; repealing section 28A.72.060, chapter 223, Laws of 1969 ex. sess., section 3, chapter 52, Laws of 1969 ex. sess. and RCW 28A.72.060; repealing section 28A.72.070, chapter 223, Laws of 1969 ex. sess., section 4, chapter 52, Laws of 1969 ex. sess. and RCW 28A.72.070; repealing section 28A.72.080, chapter 223, Laws of 1969 ex. sess. and RCW 28A.72.080; repealing section 28A.72.090, chapter 223, Laws of 1969 ex. sess. and RCW 28A.72.090; repealing section 1, chapter 115, Laws of

1973 1st ex. sess. and RCW 28A.72.100; and declaring an emergency and making an effective date.

Referred to Committee on Labor.

SENATE BILL NO. 2120, by Senators Donohue and Woody (by Legislative Budget Committee request):

An Act relating to the community college system; 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 28B.50.090, chapter 223, Laws of 1969 ex. sess. as last amended by section 16, chapter 62, Laws of 1973 and RCW 28B.50.090; and adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.50 RCW.

Referred to Committee on Higher Education.

SENATE BILL NO. 2121, by Senators Stortini, Buffington, Francis and Wana-maker (by Superintendent of Public Instruction request):

An Act relating to certain rules and regulations of the state board of education; and adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.04 RCW.

Referred to Committee on Education.

SENATE BILL NO. 2122, by Senator Scott:

An Act relating to the state power commission; and repealing section 43.52.290, chapter 8, Laws of 1965 and RCW 43.52.290.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 2123, by Senators von Reichbauer, Murray, Ridder and Washington (by Superintendent of Public Instruction request):

An Act relating to school district warrants; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.66 RCW; and declaring an emergency.

Referred to Committee on Education.

SENATE BILL NO. 2124, by Senator Scott:

An Act relating to mine to market roads; repealing section 1, chapter 175, Laws of 1939 and RCW 78.48.010; repealing section 2, chapter 175, Laws of 1939, section 1, chapter 222, Laws of 1945 and RCW 78.48.020; repealing section 3, chapter 175, Laws of 1939, section 1, chapter 146, Laws of 1943, section 2, chapter 222, Laws of 1945 and RCW 78.48.030; repealing section 4, chapter 175, Laws of 1939, section 2, chapter 146, Laws of 1943, section 3, chapter 222, Laws of 1945 and RCW 78.48.040; repealing section 5, chapter 175, Laws of 1939, section 3, chapter 146, Laws of 1943, section 4, chapter 222, Laws of 1945 and RCW 78.48.050; repealing section 7, chapter 175, Laws of 1939, section 6, chapter 222, Laws of 1945 and RCW 78.48.060; and repealing section 6, chapter 175, Laws of 1939, section 4, chapter 146, Laws of 1943, section 5, chapter 222, Laws of 1945, section 1, chapter 49, Laws of 1951, section 36, chapter 106, Laws of 1973 and RCW 78.48.080.

Referred to Committee on Natural Resources.

SENATE BILL NO. 2125, by Senators Donohue, Peterson and Matson:

An Act relating to food fish and shellfish; and amending section 75.20.100, chapter 12, Laws of 1955 as amended by section 1, chapter 48, Laws of 1967 and RCW 75.20.100.

Referred to Committee on Natural Resources.

SENATE BILL NO. 2126, by Senators Jolly and Benitz:

An Act relating to public utility districts; and adding a new section to chapter 54.16 RCW.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 2127, by Senators Jolly and Benitz:

An Act relating to public utility districts; and amending section 1, chapter 137, Laws of 1957 as amended by section 99, chapter 154, Laws of 1973 1st ex. sess. and RCW 54.36.010.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 2128, by Senators Sandison, Walgren and Bottiger:

An Act relating to public utilities; and adding a new section to chapter 80.36 RCW.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 2129, by Senators McDermott, Francis and Day:

An Act relating to disabled persons; adding a new chapter to Title 70 RCW; and prescribing penalties.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2130, by Senators Washington, Murray, Goltz and Guess:

An Act relating to solid waste management, recovery, and regulation; amending section 2, chapter 307, Laws of 1971 ex. sess. and RCW 70.93.020; amending section 19, chapter 307, Laws of 1971 ex. sess. and RCW 70.93.190; adding a new section to chapter 36.58A RCW; adding new sections to chapter 307, Laws of 1971 ex. sess. and to chapter 70.93 RCW; adding a new section to chapter 70.95 RCW; and prescribing penalties.

Referred to Committee on Ecology.

SENATE BILL NO. 2131, by Senators Woody and Clarke:

An Act relating to cemeteries; and amending section 1, chapter 68, Laws of 1973 1st ex. sess. and RCW 68.46.010.

Referred to Committee on Financial Institutions.

SENATE BILL NO. 2132, by Senators Washington, North, Murray, Goltz and McDermott:

An Act relating to wild, scenic, and recreational rivers; and adding new sections to chapter 43.30 RCW.

Referred to Committee on Ecology.

SENATE BILL NO. 2133, by Senators Lewis (Harry), Rasmussen and Odegaard:

An Act relating to state government; and amending section 2, chapter 79, Laws of 1921 and RCW 4.92.070.

Referred to Committee on State Government.

SENATE BILL NO. 2134, by Senators Bailey, Odegaard and Morrison (by Teachers' Retirement System request):

An Act relating to the Washington State Teachers' Retirement System; amending section 1, chapter 80, Laws of 1947 as last amended by section 1, chapter 199, Laws of 1974 ex. sess. and RCW 41.32.010; amending section 4, chapter 80, Laws of 1947 and RCW 41.32.040; 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 36, chapter 80, Laws of 1947 as last amended by section 8, chapter 14, Laws of 1963 ex. sess. and RCW 41.32.360; amending section 5, chapter 189, Laws of 1973 and RCW 41.32.4944; amending section 54, chapter 80, Laws of 1947 as last amended by section 7, chapter 193, Laws of 1974 ex. sess. and RCW 41.32.540; amending section 55, chapter 80, Laws of 1947 as last amended by section 4, chapter 35, Laws of 1970 ex. sess. and RCW 41.32.550; amending section 57, chapter 80, Laws of 1947 as last amended by section 5, chapter 151, Laws of 1967 and RCW 41.32.570; adding a new section to chapter 41.32 RCW; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2135, by Senators Sellar and Jolly:

An Act relating to public utility districts; amending section 2, chapter 265, Laws of 1959 and RCW 54.40.010; amending section 3, chapter 265, Laws of 1959 and RCW 54.40.020; amending section 4, chapter 265, Laws of 1959 and RCW 54.40.030; amending section 5, chapter 265, Laws of 1959 and RCW 54.40.040; amending section 6, chapter 265, Laws of 1959 and RCW 54.40.050; amending section 7, chapter 265, Laws of 1959 and RCW 54.40.060; amending section 8, chapter 265, Laws of 1959 and RCW 54.40.070; and amending section 4, chapter 1, Laws of 1931 as last amended by section 1, chapter 106, Laws of 1969 and RCW 54.12.010.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 2136, by Senator Talley:

An Act relating to food fish and shellfish; adding a new chapter to Title 75 RCW; defining crimes; and prescribing penalties.

Referred to Committee on Natural Resources.

SENATE BILL NO. 2137, by Senators Matson, Jolly and Donohue:

An Act relating to vehicle licenses; and amending section 46.16.135, chapter 12, Laws of 1961 as amended by section 7, chapter 170, Laws of 1969 ex. sess. and RCW 46.16.135.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 2138, by Senator Woody:

An Act relating to marketing petroleum products; adding a new chapter to Title 19 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Commerce.

SENATE BILL NO. 2139, by Senator Woody:

An Act relating to assignment of wages; and amending section 1, chapter 32, Laws of 1909 and RCW 49.48.090.

Referred to Judiciary Committee.

SENATE BILL NO. 2140, by Senators Talley, Peterson and Sandison:

An Act relating to industrial insurance; and adding a new section to chapter 23, Laws of 1961 and to chapter 51.12 RCW.

Referred to Committee on Labor.

SENATE BILL NO. 2141, by Senators Marsh, Day and Newschwander:

An Act relating to schools for the blind and deaf; amending section 72.40.090, chapter 28, Laws of 1959 and RCW 72.40.090; and declaring an emergency.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2142, by Senators Peterson, Talley and Lewis (Harry):

An Act relating to food fish and shellfish; amending section 75.32.070, chapter 12, Laws of 1955 as last amended by section 1, chapter 63, Laws of 1973 1st ex. sess. and RCW 75.32.070; amending section 75.32.080, chapter 12, Laws of 1955 and RCW 75.32.080; amending section 75.32.090, chapter 12, Laws of 1955 as last amended by section 1, chapter 193, Laws of 1967 and RCW 75.32.090; amending section 2, chapter 9, Laws of 1963 ex. sess. and RCW 75.32.101; amending section 75.32.110, chapter 12, Laws of 1955 and RCW 75.32.110; amending section 75.32.120, chapter 12, Laws of 1955 and RCW 75.32.120; and amending section 75.32.130, chapter 12, Laws of 1955 and RCW 75.32.130.

Referred to Committee on Natural Resources.

SENATE BILL NO. 2143, by Senators Talley, Jolly and North:

An Act relating to first class cities; and adding new sections to chapter 35.22 RCW.

Referred to Committee on Local Government.

SENATE BILL NO. 2144, by Senators North and McDermott:

An Act relating to hospital regulation; adding a new section to chapter 5, Laws of 1973 1st ex. sess. and to chapter 70.39 RCW; and prescribing an effective date.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2145, by Senator Woody:

An Act relating to franchises; amending section 1, chapter 252, Laws of 1971 ex. sess. as last amended by section 3, chapter 33, Laws of 1973 1st ex. sess. and RCW 19.100.010; amending section 18, chapter 252, Laws of 1971 ex. sess. as last amended by section 4, chapter 33, Laws of 1973 1st ex. sess. and RCW 19.100.180; and amending section 19, chapter 252, Laws of 1971 ex. sess. as amended by section 11, chapter 116, Laws of 1972 ex. sess. and RCW 19.100.190.

Referred to Committee on Commerce.

SENATE BILL NO. 2146, by Senators Donohue, Buffington, Jolly and Ridder:

An Act relating to firemen and police pension benefits; amending section 38, chapter 209, Laws of 1969 ex. sess. as last amended by section 1, chapter 190, Laws of 1974 ex. sess. and RCW 41.16.145; amending section 33, chapter 209, Laws of 1969 ex. sess. as last amended by section 2, chapter 190, Laws of 1974 ex. sess. and RCW 41.18.104; amending section 34, chapter 209, Laws of 1969 ex. sess. as last amended by section 3, chapter 190, Laws of 1974 ex. sess. and RCW 41.26.250; adding a new section to chapter 41.16 RCW; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2147, by Senators Jolly, Day, Sellar, Wilson, Benitz and Morrison:

An Act relating to the use of pesticides; adding a new section to chapter 17.21 RCW; and providing for the expiration thereof.

Referred to Committee on Agriculture.

SENATE BILL NO. 2148, by Senators Benitz and Morrison:

An Act relating to agriculture; amending section 3, chapter 190, Laws of 1971 ex. sess. and RCW 15.58.030; and amending section 11, chapter 190, Laws of 1971 ex. sess. and RCW 15.58.110.

Referred to Committee on Agriculture.

SENATE BILL NO. 2149, by Senators Jolly, Day, Sellar, Woody, Benitz and Bot-tiger:

An Act relating to identification of horses; adding a new chapter to Title 16 RCW; repealing section 1, chapter 38, Laws of 1974 ex. sess. and RCW 16.57.380; repealing section 2, chapter 38, Laws of 1974 ex. sess. and RCW 16.57.390; repealing section 3, chapter 38, Laws of 1974 ex. sess. and RCW 16.57.400; defining crimes; and providing penalties.

Referred to Committee on Agriculture.

SENATE BILL NO. 2150, by Senators Jolly, Sellar, Day, Wilson and Benitz:

An Act relating to agriculture; amending section 23, chapter 122, Laws of 1963 as amended by section 2, chapter 76, Laws of 1969 ex. sess. and RCW 15.17.230; amending section 2, chapter 256, Laws of 1961 and RCW 15.65.020; amending section 14, chapter 256, Laws of 1961 and RCW 15.65.140; amending section 16, chapter 256, Laws of 1961 and RCW 15.65.160; amending section 25, chapter 256, Laws of 1961 and RCW 15.65.250; amending section 15.66.010, chapter 11, Laws of 1961 and RCW 15.66.010; amending section 15.66.060, chapter 11, Laws of 1961 as amended by section 1, chapter 66, Laws of 1969 and RCW 15.66.060; amending section 15.66.090, chapter 11, Laws of 1961 and RCW 15.66.090; amending section 15.66.120, chapter 11, Laws of 1961 and RCW 15.66.120; amending section 15.66.130, chapter 11, Laws of 1961 as amended by section 3, chapter 112, Laws of 1972 ex. sess. and RCW 15.66.130;

amending section 8, chapter 61, Laws of 1961 and RCW 15.76.170; amending section 1, chapter 31, Laws of 1951 and RCW 16.13.010; amending section 2, chapter 31, Laws of 1951 and RCW 16.13.020; amending section 3, chapter 31, Laws of 1951 and RCW 16.13.030; amending section 4, chapter 31, Laws of 1951 and RCW 16.13.040; amending section 6, chapter 31, Laws of 1951 and RCW 16.13.060; amending section 3, chapter 139, Laws of 1959 as last amended by section 2, chapter 182, Laws of 1971 ex. sess. and RCW 20.01.030; amending section 1, chapter 124, Laws of 1963 as last amended by section 1, chapter 65, Laws of 1971 and RCW 22.09.010; amending section 3, chapter 124, Laws of 1963 and RCW 22.09.030; amending section 4, chapter 124, Laws of 1963 and RCW 22.09.040; amending section 6, chapter 124, Laws of 1963 and RCW 22.09.060; amending section 9, chapter 124, Laws of 1963 as amended by section 2, chapter 132, Laws of 1969 ex. sess. and RCW 22.09.090; amending section 18, chapter 124, Laws of 1963 and RCW 22.09.180; amending section 29, chapter 257, Laws of 1945 and RCW 69.04.110; amending section 3, chapter 198, Laws of 1963 and RCW 69.04.392; amending section 4, chapter 198, Laws of 1963 and RCW 69.04.394; amending section 6, chapter 198, Laws of 1963 and RCW 69.04.396; adding new sections to chapter 22.09 RCW; adding a new section to chapter 6904 RCW; repealing section 2, chapter 22, Laws of 1957 and RCW 16.28.010; repealing section 1, chapter 23, Laws of 1905 and RCW 16.28.020; amending section 2, chapter 23, Laws of 1905 and RCW 16.28.030; repealing section 3, chapter 22, Laws of 1957 and RCW 16.28.040; repealing section 13, chapter 23, Laws of 1905 and RCW 16.28.050; repealing section 4, chapter 23, Laws of 1905, section 1, chapter 31, Laws of 1943 and RCW 16.28.060; repealing section 5, chapter 23, Laws of 1905, section 2, chapter 148, Laws of 1919, section 1, chapter 122, Laws of 1925 ex. sess. and RCW 16.28.070; repealing section 7, chapter 23, Laws of 1905 and RCW 16.28.080; repealing section 8, chapter 23, Laws of 1905 and RCW 16.28.085; repealing section 9, chapter 23, Laws of 1905, section 1, chapter 123, Laws of 1909 and RCW 16.28.090; repealing section 10, chapter 23, Laws of 1905 and RCW 16.28.100; repealing section 14, chapter 23, Laws of 1905 and RCW 16.28.110; repealing section 11, chapter 23, Laws of 1905, section 2, chapter 123, Laws of 1909 and RCW 16.28.120; repealing section 12, chapter 23, Laws of 1905 and RCW 16.28.130; repealing section 6, chapter 23, Laws of 1905 and RCW 16.28.140; repealing section 15, chapter 23, Laws of 1905 and RCW 16.28.150; repealing section 2537, Code of 1881, section 14, chapter 199, Laws of 1969 ex. sess. and RCW 16.28.160; repealing section 1, chapter 12, Laws of 1891 and RCW 16.28.165; and repealing section 2, chapter 12, Laws of 1891 and RCW 16.28.170; prescribing an effective date; and declaring an emergency.

Referred to Committee on Agriculture.

MOTION

On motion of Senator Mardesich, there being no objection, the rules were suspended and additional sponsors were permitted on the following Senate bills: 2119, 2123, 2130, 2132, 2146, 2147, 2149 and 2150.

MOTION

At 11:10 a.m., on motion of Senator Mardesich, the Senate adjourned until 11:00 a.m., Monday, January 20, 1975.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

EIGHTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, January 20, 1975.

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 Clarke, Fleming, Francis, Gould, Herr, Keefe and Odegaard. On motion of Senator Knoblauch, Senators Fleming, Francis, Herr, Keefe and Odegaard were excused. On motion of Senator Lewis (R. H. "Bob"), Senators Clarke and Gould were excused.

The Color Guard, consisting of Pages Jane Bruce and Thomas Cooper, presented the Colors. Father William Treacy, pastor of St. Michael's Catholic Church of Olympia, offered the following prayer:

"WE TURN TO YOU TODAY, LORD, AS WE STRUGGLE WITH THE ENEMIES OF INFLATION, UNEMPLOYMENT, AND AS WE BEHOLD WAR CLOUDS ON THE HORIZON IN VARIOUS PARTS OF THE WORLD. WE PAUSE FOR A MOMENT TO RECALL YOUR PEOPLE OF ISRAEL JOURNEYING FROM EGYPT UNDER THE LEADERSHIP OF MOSES WHEN THEY WERE ATTACKED BY A HOSTILE TRIBE IN THE DESERT. WHILE JOSHUA ENGAGED IN BATTLE WE READ IN EXODUS, CHAPTER XVII THAT MOSES REMAINED AWAY FROM THE BATTLE AREA WITH HIS HANDS RAISED IN PRAYER, AND AS LONG AS HE HELD HIS HANDS IN PRAYER THE ISRAELITES SUCCEEDED. WE ASK YOU LORD FOR ASSISTANCE WITH THESE MODERN DAY ENEMIES AS YOU ASSISTED THE PEOPLE OF ISRAEL IN ANSWER TO THE PRAYER OF MOSES. AMEN."

MOTION

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

MESSAGE FROM THE HOUSE

January 17, 1975.

Mr. President: The House has passed HOUSE CONCURRENT RESOLUTION NO. 5, and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

INTRODUCTION AND FIRST READING

SENATE BILL NO. 2151, by Senators Fleming and Murray:

An Act relating to local government; adding new sections to chapter 35.21 RCW; and declaring an emergency.

Referred to Committee on Local Government.

SENATE BILL NO. 2152, by Senators Donohue, Odegaard, Marsh, Woody, Newschwander, Scott and Morrison (by Legislative Budget Committee request):

An Act relating to publicly owned motor vehicles; amending section 46.08.065, chapter 12, Laws of 1961 and RCW 46.08.065; adding new sections to chapter 12, Laws of 1961 and to chapter 46.08 RCW; and providing penalties.

MOTION

On motion of Senator Walgren, Senate Bill No. 2152 was referred to the Committee on Transportation and Utilities.

SENATE BILL NO. 2153, by Senators Bottiger and Murray (by Department of Motor Vehicles request):

An Act relating to the taxation of fuel utilized for the propulsion of motor vehicles; amending section 3, chapter 175, Laws of 1971 ex. sess. and RCW 82.38.020; amending section 82.36.220, chapter 15, Laws of 1961 as last amended by section 20, chapter 22, Laws of 1963 ex. sess. and RCW 82.36.220; amending section 82.36.400, chapter 15, Laws of 1961 as last amended by section 3, chapter 156, Laws of 1971 ex. sess. and RCW 82.36.400; adding new sections to chapter 15, Laws of 1961 and to chapter 82.36 RCW; creating a new chapter in Title 82 RCW; repealing section 1, chapter 22, Laws of 1963 ex. sess. and RCW 82.37.010; repealing section 2, chapter 22, Laws of 1963 ex. sess. and RCW 82.37.020; repealing section 3, chapter 22, Laws of 1963 ex. sess., section 4, chapter 83, Laws of 1967 ex. sess. and RCW 82.37.030; repealing section 4, chapter 22, Laws of 1963 ex. sess. and RCW 82.37.040; repealing section 5, chapter 22, Laws of 1963 ex. sess. and RCW 82.37.050; repealing section 6, chapter 22, Laws of 1963 ex. sess., section 2, chapter 67, Laws of 1965 and RCW 82.37.060; repealing section 7, chapter 22, Laws of 1963 ex. sess. and RCW 82.37.070; repealing section 8, chapter 22, Laws of 1963 ex. sess. and RCW 82.37.080; repealing section 9, chapter 22, Laws of 1963 ex. sess. and RCW 82.37.090; repealing section 10, chapter 22, Laws of 1963 ex. sess. and RCW 82.37.100; repealing section 11, chapter 22, Laws of 1963 ex. sess. and RCW 82.37.110; repealing section 12, chapter 22, Laws of 1963 ex. sess. and RCW 82.37.120; repealing section 13, chapter 22, Laws of 1963 ex. sess. and RCW 82.37.130; repealing section 14, chapter 22, Laws of 1963 ex. sess., section 3, chapter 67, Laws of 1965 and RCW 82.37.140; repealing section 5, chapter 67, Laws of 1965 and RCW 82.37.145; repealing section 15, chapter 22, Laws of 1963 ex. sess., section 4, chapter 67, Laws of 1965 and RCW 82.37.150; repealing section 16, chapter 22, Laws of 1963 ex. sess., section 7, chapter 89, Laws of 1967 ex. sess. and RCW 82.37.160; repealing section 17, chapter 22, Laws of 1963 ex. sess. and RCW 82.37.170; repealing section 18, chapter 22, Laws of 1963 ex. sess. and RCW 82.37.180; repealing section 2, chapter 28, Laws of 1974 ex. sess. and RCW 82.37.190; repealing section 22, chapter 22, Laws of 1963 ex. sess. and RCW 82.37.900; repealing section 23, chapter 22, Laws of 1963 ex. sess. and RCW 82.37.910; repealing section 24, chapter 22, Laws of 1963 ex. sess. and RCW 82.37.920; providing penalties; and prescribing an effective date.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 2154, by Senators Bottiger and Murray (by Department of Motor Vehicles request):

An Act relating to motor vehicle fuel; amending section 82.36.010, chapter 15, Laws of 1961 as last amended by section 1, chapter 156, Laws of 1971 ex. sess. and RCW 82.36.010; amending section 1, chapter 28, Laws of 1974 ex. sess. and RCW 82.36.020; 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 and RCW 82.36.040; amending section 82.36.060, chapter 15, Laws of 1961 as amended by section 1, chapter 96, Laws of 1973 and RCW 82.36.060; amending section 82.36.070, chapter 15, Laws of 1961 as last amended by section 2, chapter 96, Laws of 1973 and RCW 82.36.070; amending section 82.36.190, chapter 15, Laws of 1961 and RCW 82.36.190; amending section 82.36.200, chapter 15, Laws of 1961 as amended by section 7, chapter 79, Laws of 1965 ex. sess. and RCW 82.36.200; amending section 82.36.210, chapter 15, Laws of 1961 as last amended by section 8, chapter 79, Laws of 1965 ex. sess. and RCW 82.36.210; amending section 82.36.220, chapter 15, Laws of 1961 as last amended by section 20, chapter 22, Laws of 1963 ex. sess. and RCW 82.36.220; amending section 82.36.280, chapter 15, Laws of 1961 as last amended by section 1, chapter 138, Laws of 1972 ex. sess. and RCW 82.36.280; amending section 82.36.370, chapter 15, Laws of 1961 as last amended by section 5, chapter 153, Laws of 1967 and RCW 82.36.370; adding new sec-

tions to chapter 82.36 RCW; and repealing section 82.36.100, chapter 15, Laws of 1961, section 2, chapter 7, Laws of 1961 ex. sess., section 3, chapter 83, Laws of 1967 ex. sess. and RCW 82.36.100.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 2155, by Senators Bottiger and Murray (by Department of Motor Vehicles request):

An Act relating to revenue; amending section 82.02.010, chapter 15, Laws of 1961 as amended by section 14, chapter 26, Laws of 1967 ex. sess. and RCW 82.02.010; amending section 82.36.040, chapter 15, Laws of 1961 and RCW 82.36.040; adding a new section to chapter 82.36 RCW; and prescribing penalties.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 2156, by Senators Bottiger and Murray (by Department of Motor Vehicles request):

An Act relating to the taxation of fuel utilized for the propulsion of motor vehicles; creating a new chapter in Title 82 RCW; repealing section 1, chapter 22, Laws of 1963 ex. sess. and RCW 82.37.010; repealing section 2, chapter 22, Laws of 1963 ex. sess. and RCW 82.37.020; repealing section 3, chapter 22, Laws of 1963 ex. sess., section 4, chapter 83, Laws of 1967 ex. sess. and RCW 82.37.030; repealing section 4, chapter 22, Laws of 1963 ex. sess. and RCW 82.37.040; repealing section 5, chapter 22, Laws of 1963 ex. sess. and RCW 82.37.050; repealing section 6, chapter 22, Laws of 1963 ex. sess., section 2, chapter 67, Laws of 1965 and RCW 82.37.060; repealing section 7, chapter 22, Laws of 1963 ex. sess. and RCW 82.37.070; repealing section 8, chapter 22, Laws of 1963 ex. sess. and RCW 82.37.080; repealing section 9, chapter 22, Laws of 1963 ex. sess. and RCW 82.37.090; repealing section 10, chapter 22, Laws of 1963 ex. sess. and RCW 82.37.100; repealing section 11, chapter 22, Laws of 1963 ex. sess. and RCW 82.37.110; repealing section 12, chapter 22, Laws of 1963 ex. sess. and RCW 82.37.120; repealing section 13, chapter 22, Laws of 1963 ex. sess. and RCW 82.37.130; repealing section 14, chapter 22, Laws of 1963 ex. sess., section 3, chapter 67, Laws of 1965 and RCW 82.37.140; repealing section 5, chapter 67, Laws of 1965 and RCW 82.37.145; repealing section 15, chapter 22, Laws of 1963 ex. sess., section 4, chapter 67, Laws of 1965 and RCW 82.37.150; repealing section 16, chapter 22, Laws of 1963 ex. sess., section 7, chapter 89, Laws of 1967 ex. sess. and RCW 82.37.160; repealing section 17, chapter 22, Laws of 1963 ex. sess. and RCW 82.37.170; repealing section 18, chapter 22, Laws of 1963 ex. sess. and RCW 82.37.180; repealing section 2, chapter 28, Laws of 1974 ex. sess. and RCW 82.37.190; repealing section 22, chapter 22, Laws of 1963 ex. sess. and RCW 82.37.900; repealing section 23, chapter 22, Laws of 1963 ex. sess. and RCW 82.37.910; repealing section 24, chapter 22, Laws of 1963 ex. sess. and RCW 82.37.920; providing penalties; and prescribing an effective date.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 2157, by Senators Bottiger and Murray (by Department of Motor Vehicles request):

An Act relating to special fuel tax; amending section 3, chapter 175, Laws of 1971 ex. sess. and RCW 82.38.020; amending section 15, chapter 175, Laws of 1971 ex. sess. and RCW 82.38.140; amending section 18, chapter 175, Laws of 1971 ex. sess. as last amended by section 7, chapter 156, Laws of 1973 1st ex. sess. and RCW 82.38.170; and adding new sections to chapter 175, Laws of 1973 1st ex. sess. and to chapter 82.38 RCW.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 2158, by Senators Jones, Buffington, Francis, Sellar, Benitz, North and Bluechel:

An Act relating to children left in motor vehicles; amending section 2, chapter 151, Laws of 1961 and RCW 46.61.685; and declaring an emergency.

Referred to Judiciary Committee.

SENATE BILL NO. 2159, by Senators Walgren, Wanamaker and Bottiger:

An Act relating to motor vehicle fuel taxes; amending section 82.36.010, chapter 15, Laws of 1961 as last amended by section 1, chapter 156, Laws of 1971 ex. sess. and RCW 82.36.010; amending section 1, chapter 28, Laws of 1974 ex. sess. and RCW 82.36.020; amending section 82.36.100, chapter 15, Laws of 1961 as last amended by section 3, chapter 83, Laws of 1967 ex. sess. and RCW 82.36.100; amending section 3, chapter 22, Laws of 1963 ex. sess. as amended by section 4, chapter 83, Laws of 1967 ex. sess. and RCW 82.37.030; amending section 4, chapter 175, Laws of 1971 ex. sess. as last amended by section 1, chapter 156, Laws of 1973 1st ex. sess. and RCW 82.38.030; adding a new section to chapter 82.36 RCW; and declaring an emergency.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 2160, by Senator Woody:

An Act relating to the dissolution of marriage; and adding a new section to chapter 26.09 RCW.

Referred to Judiciary Committee.

SENATE BILL NO. 2161, by Senator Woody:

An Act relating to jurisdiction of courts; amending section 23, chapter 133, Laws of 1893 and RCW 6.32.230; and amending section 24, chapter 133, Laws of 1893 as amended by section 2, chapter 93, Laws of 1899 and RCW 6.32.240.

Referred to Judiciary Committee.

SENATE BILL NO. 2162, by Senators Lewis (R. H. "Bob") and Day:

An Act relating to the regulation of drugs in nursing homes; and adding a new section to Title 70 RCW.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2163, by Senators Bluechel, Washington and Benitz:

An Act relating to the designation of an official state gem; and adding a new section to chapter 1.20 RCW.

Referred to Committee on State Government.

SENATE BILL NO. 2164, by Senators Marsh, Peterson and Lewis (Harry):

An Act relating to food fish and shellfish; adding a new section to chapter 75.08 RCW; and prescribing penalties.

Referred to Committee on Natural Resources.

SENATE BILL NO. 2165, by Senators Odegaard, Clarke, Henry, Lewis (Harry) and Lewis (R. H. "Bob"):

An Act relating to financial disclosure by elected officials; and amending section 24, chapter 1, Laws of 1973 and RCW 42.17.240.

Referred to Committee on Constitution and Elections.

SENATE BILL NO. 2166, by Senators Woody and Clark:

An Act relating to escrow agents; and adding a new section to chapter 18.44 RCW.

Referred to Judiciary Committee.

SENATE BILL NO. 2167, by Senators Ridder, Van Hollebeke and Stortini:

An Act relating to the Fair-Trade Act; and repealing sections 1 through 6, chapter 176, Laws of 1937 and RCW 19.89.010 through 19.89.040, 19.89.900 and 19.89.910.

Referred to Committee on Commerce.

SENATE BILL NO. 2168, by Senators Woody and Fleming:

An Act relating to counties; amending section 36.32.200, chapter 4, Laws of 1963 and RCW 36.32.200; and adding a new section to chapter 4, Laws of 1963 and to chapter 36.32 RCW.

Referred to Committee on Local Government.

SENATE BILL NO. 2169, by Senators Bottiger, Sellar and Talley:

An Act relating to education; providing for the adoption and implementation of standards for integrating school library and media services; and adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapters 28A.03 and 28A.04 RCW.

Referred to Committee on Education.

SENATE BILL NO. 2170, by Senators Francis, Keefe, Marsh and Walgren:

An Act relating to crimes and punishment; and amending section 1, page 30, Laws of 1862 as last amended by section 5, chapter 152, Laws of 1971 ex. sess. and RCW 9.61.040.

Referred to Judiciary Committee.

SENATE BILL NO. 2171, by Senators Francis and Clarke (by Judicial Council request):

An Act relating to criminal procedure; and adding a new section to chapter 10.19 RCW; defining a crime; and prescribing a penalty.

Referred to Judiciary Committee.

SENATE BILL NO. 2172, by Senators Clarke and Francis (by Judicial Council request):

An Act relating to district and municipal courts; amending section 99, chapter 299, Laws of 1961 as amended by section 7, chapter 73, Laws of 1971 and RCW 3.54.020; amending section 108, chapter 299, Laws of 1961 and RCW 3.62.040; amending section 59, chapter 299, Laws of 1961 and RCW 3.50.100; and amending section 46, chapter 299, Laws of 1961 and RCW 3.46.120.

Referred to Judiciary Committee.

SENATE BILL NO. 2173, by Senators Francis, Clarke and Woody (by Judicial Council request):

An Act relating to the annual conference of judges; and amending section 6, chapter 259, Laws of 1957 and RCW 2.56.060.

Referred to Judiciary Committee.

SENATE BILL NO. 2174, by Senators Francis, Clarke and Woody (by Judicial Council request):

An Act relating to fees of county clerks; and amending section 1, chapter 38, Laws of 1973 as amended by section 1, chapter 16, Laws of 1973 and RCW 36.18.020.

Referred to Judiciary Committee.

SENATE BILL NO. 2175, by Senator Woody:

An Act relating to fees in civil actions; and amending section 1, chapter 38, Laws of 1973 as amended by section 1, chapter 16, Laws of 1973 and RCW 36.18.020.

Referred to Judiciary Committee.

SENATE BILL NO. 2176, by Senators Bottiger, Morrison, Fleming, McDermott and Stortini (by Superintendent of Public Instruction request):

An Act relating to school districts; amending section 2, chapter 10, Laws of 1970 ex. sess. as amended by section 7, chapter 21, Laws of 1973 2nd ex. sess. and RCW 29.21.180; amending section 29.21.210, chapter 9, Laws of 1965 as last amended by section 8, chapter 21, Laws of 1973 2nd ex. sess. and RCW 29.21.210; amending section 29.21.230, chapter 9, Laws of 1965 as last amended by section 9, chapter 21, Laws of 1973 2nd ex. sess. and RCW 29.21.230; and adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.57 RCW.

Referred to Committee on Education.

SENATE BILL NO. 2177, by Senators Clarke, Francis and Woody (by Judicial Council request):

An Act relating to justice courts; and amending section 7, chapter 110, Laws of 1965 ex. sess. and RCW 3.66.065.

Referred to Judiciary Committee.

SENATE BILL NO. 2178, by Senator Woody:

An Act relating to civil procedure; and amending section 3, chapter 65, Laws of 1921 and RCW 4.64.100.

Referred to Judiciary Committee.

SENATE BILL NO. 2179, by Senators Woody and Peterson:

An Act relating to public lands; and amending section 97, chapter 255, Laws of 1927 as last amended by section 7, chapter 73, Laws of 1961 and RCW 79.01.388.

Referred to Committee on Natural Resources.

SENATE BILL NO. 2180, by Senators Woody and Ridder:

An Act relating to wages of employees; and amending section 1, chapter 128, Laws of 1888 as last amended by section 1, chapter 55, Laws of 1971 ex. sess. and RCW 49.48.010.

Referred to Committee on Labor.

SENATE BILL NO. 2181, by Senators Francis, Day, Lewis (Harry), Marsh, Botiger, Rasmussen and Murray:

An Act relating to mental illness; amending section 7, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.020; and declaring an emergency.

Referred to Judiciary Committee.

SENATE BILL NO. 2182, by Senator Woody:

An Act relating to jury fees; and amending section 1, chapter 38, Laws of 1973 as amended by section 1, chapter 16, Laws of 1973 and RCW 36.18.020.

Referred to Judiciary Committee.

SENATE BILL NO. 2183, by Senator Day (by Department of Motor Vehicles request):

An Act relating to businesses and professions; amending section 6, chapter 323, Laws of 1959 and RCW 18.08.150; amending section 10, chapter 323, Laws of 1959 as amended by section 1, chapter 266, Laws of 1971 ex. sess. and RCW 18.08.190; amending section 13, chapter 323, Laws of 1959 and RCW 18.08.220; amending section 3, chapter 75, Laws of 1923 as last amended by section 3, chapter 223, Laws of 1967 and RCW 18.15.040; amending section 6, chapter 75, Laws of 1923 as last amended by section 2, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.15.050; amending section 7, chapter 75, Laws of 1923 as last amended by section 4, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.15.060; amending section 3, chapter 84, Laws of 1959 as last amended by section 5, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.15.065; amending section 2, chapter 84, Laws of 1959 as amended by section 14, chapter 223, Laws of 1967 and RCW 18.15.095; amending section 13, chapter 223, Laws of 1967 as amended by section 7, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.15.097; amending section 8, chapter 172, Laws of 1901 as last amended by section 8, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.15.100; amending section 13, chapter 101, Laws of 1957 as last amended by section 18, chapter 223, Laws of 1967 and RCW 18.15.125; amending section 5, chapter 180, Laws of 1951 as last amended by section 23, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.18.090; amending section 14, chapter 215, Laws of 1937 as last amended by section 10, chapter 3, Laws of 1965 ex. sess. and RCW 18.18.120; amending section 7, chapter 180, Laws of 1951 as last amended by section 27, chapter 148, Laws of 1973 1st ex. sess. and RCW 18.18.140; amending section 14, chapter 52, Laws of 1957 as last amended by section 6, chapter 77, Laws of 1973 and RCW 18.22.060; amending section 3, chapter 97, Laws of 1965 as amended by section 8, chapter 77, Laws of 1973 and RCW 18.22.081; amending section

6, chapter 149, Laws of 1955 as last amended by section 10, chapter 77, Laws of 1973 and RCW 18.22.120; amending section 5, chapter 5, Laws of 1919 as last amended by section 9, chapter 97, Laws of 1974 ex. sess. and RCW 18.25.020; amending section 14, chapter 5, Laws of 1919 as amended by section 6, chapter 227, Laws of 1971 ex. sess. and RCW 18.25.040; amending section 8, chapter 5, Laws of 1919 and RCW 18.25.050; amending section 10, chapter 5, Laws of 1919 as last amended by section 11, chapter 97, Laws of 1974 ex. sess. and RCW 18.25.070; amending section 3, chapter 201, Laws of 1967 as amended by section 6, chapter 266, Laws of 1971 ex. sess. and RCW 18.28.030; amending section 28, chapter 16, Laws of 1923 as last amended by section 21, chapter 292, Laws of 1971 ex. sess. and RCW 18.29.020; amending section 33, chapter 16, Laws of 1923 as amended by section 3, chapter 47, Laws of 1969 and RCW 18.29.040; amending section 32, chapter 16, Laws of 1923 as amended by section 5, chapter 47, Laws of 1969 and RCW 18.29.070; amending section 29, chapter 52, Laws of 1957 as amended by section 1, chapter 49, Laws of 1969 and RCW 18.32.110; amending section 5, chapter 93, Laws of 1953 as last amended by section 2, chapter 49, Laws of 1969 and RCW 18.32.120; amending section 25, chapter 52, Laws of 1957 and RCW 18.32.170; amending section 24, chapter 112, Laws of 1935 as last amended by section 3, chapter 49, Laws of 1969 and RCW 18.32.180; amending section 10, chapter 112, Laws of 1935 and RCW 18.32.200; amending section 13, chapter 112, Laws of 1935 as amended by section 4, chapter 47, Laws of 1969 and RCW 18.32.210; amending section 15, chapter 112, Laws of 1935 and RCW 18.32.225; amending section 7, chapter 43, Laws of 1957 as amended by section 22, chapter 292, Laws of 1971 ex. sess. and RCW 18.34.070; amending section 12, chapter 43, Laws of 1957 and RCW 18.34.120; amending section 3, chapter 36, Laws of 1919 and RCW 18.36.040; amending section 11, chapter 36, Laws of 1919 and RCW 18.36.050; amending section 1, chapter 83, Laws of 1953 as amended by section 7, chapter 266, Laws of 1971 ex. sess. and RCW 18.36.115; amending section 6, chapter 108, Laws of 1937 as amended by section 8, chapter 266, Laws of 1971 ex. sess. and RCW 18.39.050; amending section 10, chapter 108, Laws of 1937 and RCW 18.39.120; amending section 15, chapter 108, Laws of 1937 and RCW 18.39.130; amending section 8, chapter 108, Laws of 1937 and RCW 18.39.150; amending section 8, chapter 283, Laws of 1947 and RCW 18.43.050; amending section 11, chapter 283, Laws of 1947 as last amended by section 1, chapter 126, Laws of 1965 ex. sess. and RCW 18.43.080; amending section 13, chapter 283, Laws of 1947 as amended by section 6, chapter 297, Laws of 1959 and RCW 18.43.100; amending section 14, chapter 283, Laws of 1947 and RCW 18.43.110; amending section 16, chapter 283, Laws of 1947 as last amended by section 2, chapter 126, Laws of 1965 ex. sess. and RCW 18.43.130; amending section 3, chapter 160, Laws of 1917 and RCW 18.50.050; amending section 7, chapter 57, Laws of 1970 ex. sess. and RCW 18.52.070; amending section 8, chapter 57, Laws of 1970 ex. sess. and RCW 18.52.080; amending section 11, chapter 57, Laws of 1970 ex. sess. as amended by section 9, chapter 266, Laws of 1971 ex. sess. and RCW 18.52.110; amending section 13, chapter 57, Laws of 1970 ex. sess. and RCW 18.52.130; amending section 13, chapter 144, Laws of 1919 as last amended by section 10, chapter 266, Laws of 1971 ex. sess. and RCW 18.53.050; amending section 9, chapter 144, Laws of 1919 and RCW 18.53.070; amending section 6, chapter 4, Laws of 1919 as amended by section 11, chapter 266, Laws of 1971 ex. sess. and RCW 18.57.050; amending section 17, chapter 4, Laws of 1919 as amended by section 1, chapter 82, Laws of 1921 and RCW 18.57.130; amending section 10, chapter 30, Laws of 1971 ex. sess. and RCW 18.57A.040; amending section 35, chapter 202, Laws of 1955 and RCW 18.71.040; amending section 36, chapter 202, Laws of 1955 as amended by section 12, chapter 266, Laws of 1971 ex. sess. and RCW 18.71.080; amending section 11, chapter 134, Laws of 1919 as last amended by section 9, chapter 284, Laws of 1961 and RCW 18.71.090; amending section 4, chapter 30, Laws of 1971 ex. sess. and RCW 18.71A.040; amending section 5, chapter 239, Laws of 1949 as amended by section 4, chapter 64, Laws of 1961 and RCW 18.74.050; amending section 6, chapter 239, Laws of 1949 as amended by section 5, chapter 64, Laws of 1961 and RCW 18.74.060; amending section 7, chapter 239, Laws of 1949 as last amended by section 13, chapter 266, Laws of 1971 ex. sess. and RCW 18.74.070; amending section 9, chapter 222, Laws

of 1949 as amended by section 3, chapter 15, Laws of 1963 and RCW 18.78.080; amending section 10, chapter 222, Laws of 1949 as last amended by section 14, chapter 266, Laws of 1971 ex. sess. and RCW 18.78.090; amending section 3, chapter 72, Laws of 1967 ex. sess. and RCW 18.82.030; amending section 6, chapter 72, Laws of 1967 ex. sess. and RCW 18.82.060; amending section 6, chapter 305, Laws of 1955 as amended by section 6, chapter 70, Laws of 1965 and RCW 18.83.060; amending section 23, chapter 70, Laws of 1965 and RCW 18.83.082; amending section 9, chapter 305, Laws of 1955 as last amended by section 16, chapter 266, Laws of 1971 ex. sess. and RCW 18.83.090; amending section 22, chapter 70, Laws of 1965 and RCW 18.83.105; amending section 17, chapter 305, Laws of 1955 as amended by section 17, chapter 70, Laws of 1965 and RCW 18.83.170; amending section 16, chapter 202, Laws of 1949 as last amended by section 15, chapter 133, Laws of 1973 and RCW 18.88.160; amending section 19, chapter 202, Laws of 1949 as last amended by section 18, chapter 133, Laws of 1973 and RCW 18.88.190; amending section 20, chapter 202, Laws of 1949 as last amended by section 19, chapter 133, Laws of 1973 and RCW 18.88.200; amending section 4, chapter 200, Laws of 1959 as amended by section 19, chapter 266, Laws of 1971 ex. sess. and RCW 18.90.040; amending section 5, chapter 200, Laws of 1959 and RCW 18.90.050; amending section 10, chapter 71, Laws of 1941 as last amended by section 7, chapter 50, Laws of 1967 ex. sess. and RCW 18.92.115; amending section 17, chapter 71, Laws of 1941 and RCW 18.92.142; amending section 19, chapter 71, Laws of 1941 as last amended by section 20, chapter 266, Laws of 1971 ex. sess. and RCW 18.92.145; amending section 8, chapter 158, Laws of 1969 ex. sess. and RCW 18.96.080; amending section 10, chapter 158, Laws of 1969 ex. sess. and RCW 18.96.100; amending section 11, chapter 158, Laws of 1969 ex. sess. and RCW 18.96.110; amending section 14, chapter 158, Laws of 1969 ex. sess. and RCW 18.96.140; amending section 5, chapter 253, Laws of 1971 ex. sess. and RCW 19.16.140; amending section 6, chapter 253, Laws of 1971 ex. sess. and RCW 19.16.150; amending section 14, chapter 228, Laws of 1969 ex. sess. and RCW 19.31.140; and amending section 21, chapter 266, Laws of 1971 ex. sess. and RCW 43.24.085.

Referred to Committee on Commerce.

SENATE BILL NO. 2184, by Senators Fleming, Murray and McDermott:

An Act relating to jails; amending section 35.21.330, chapter 7, Laws of 1965 and RCW 35.21.330; amending section 35.23.440, chapter 7, Laws of 1965 as amended by section 7, chapter 116, Laws of 1965 ex. sess. and RCW 35.23.440; amending section 35.24.160, chapter 7, Laws of 1965 and RCW 35.24.160; adding a new chapter to Title 70 RCW; repealing sections 36.63.010 through 36.63.110, chapter 4, Laws of 1963 and RCW 36.63.010 through 36.63.110; repealing section 36.63.120, chapter 4, Laws of 1963, section 1, chapter 17, Laws of 1969 and RCW 36.63.120; repealing sections 36.63.130 through 36.63.250, chapter 4, Laws of 1963 and RCW 36.63.130 through 36.63.250; repealing sections 36.63.260 through 36.63.440, chapter 4, Laws of 1963 and RCW 36.63.260 through 36.63.440; repealing section 2214, Code of 1881 and RCW 70.20.140; repealing section 32, chapter 171, Laws of 1961 and RCW 72.01.420; prescribing an effective date; and declaring an emergency.

Referred to Committee on Local Government.

There being no objection, the rules were suspended and additional sponsors were permitted on the following Senate bills: 2152, 2158, 2165, 2170, 2176 and 2181, and Senate Concurrent Resolution No. 102.

INTRODUCTION AND FIRST READING

SENATE CONCURRENT RESOLUTION NO. 102, by Senators Marsh, Mardesich, Woody, Jones and Scott:
Continuing pension studies.

MOTIONS

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

On motion of Senator Marsh, Senate Concurrent Resolution No. 102 was advanced to third reading, the second reading considered the third, and the resolution was adopted.

INTRODUCTION AND FIRST READING

HOUSE CONCURRENT RESOLUTION NO. 5, by Representative Charette:

Joint session to receive the Governor's message on energy and agricultural conservation.

MOTIONS

On motion of Senator Mardesich, the rules were suspended and House Concurrent Resolution No. 5 was advanced to second reading and read the second time in full.

On motion of Senator Mardesich, House Concurrent Resolution No. 5 was advanced to third reading, the second reading considered the third, and the resolution was adopted.

MOTION

At 11:18 a.m., on motion of Senator Mardesich, the Senate adjourned until 11:00 a.m., Tuesday, January 21, 1975.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

NINTH DAY**MORNING SESSION**

Senate Chamber, Olympia, Tuesday, January 21, 1975.

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 Herr, Keefe, Odegaard and Wanamaker. On motion of Senator Knoblauch, Senators Herr, Keefe and Odegaard were excused. On motion of Senator Lewis (R. H. "Bob"), Senator Wanamaker was excused.

The Color Guard, consisting of Pages Lorraine Frodsham and Martin Karinen, presented the Colors. Father William Treacy, pastor of St. Michael's Church of Olympia, offered the following prayer:

"ALMIGHTY GOD, WE PRAY FOR WISDOM TODAY IN THE WORDS OF SOLOMON WHEN HE ASKED YOU WHO MADE ALL THINGS BY YOUR WORD TO GIVE HIM WISDOM, THE ATTENDANT AT YOUR THRONE. WE PRAY IN HIS WORDS FOR THE MEMBERS OF THIS SENATE AS RECORDED IN THE BOOK OF WISDOM, CHAPTER IX: 'I AM YOUR SERVANT, A MAN WEAK AND SHORT LIVED, AND LACKING IN COMPREHENSION OF JUDGMENT AND OF LAWS. SEND WISDOM FROM YOUR HOLY HEAVENS, AND FROM YOUR GLORIOUS THRONE DISPATCH HER THAT SHE MAY BE WITH ME AND WORK WITH ME THAT I MAY KNOW WHAT IS YOUR PLEASURE AND BE GUIDED DISCREETLY IN MY AFFAIRS. THUS MY DEEDS WILL BE ACCEPTABLE AND I SHALL JUDGE YOUR PEOPLE JUSTLY'. AMEN."

MOTION

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

REPORTS OF STANDING COMMITTEE

January 20, 1975.

SENATE BILL NO. 2019, changing Viet Nam veterans' bonus laws (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Rasmussen, Chairman; Day, Henry, Knoblauch, Wanamaker.

Passed to Committee on Rules for second reading.

January 20, 1975.

SENATE BILL NO. 2044, regulating the creation and combination of agencies and departments by the executive (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Rasmussen, Chairman; Day, Henry, Knoblauch, Wanamaker.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE HOUSE

January 20, 1975.

Mr. President: The House has passed HOUSE BILL NO. 48, and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

January 20, 1975.

Mr. President: The Speaker has signed HOUSE CONCURRENT RESOLUTION NO. 5, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:
HOUSE CONCURRENT RESOLUTION NO. 5.

MOTION

On motion of Senator Mardesich, there being no objection, Senate Bill No. 2199 will be held on the Secretary's desk for introduction at a later date. House Bill No. 48 was ordered held on the Secretary's desk for introduction later today.

INTRODUCTION AND FIRST READING

SENATE BILL NO. 2185, by Senators Walgren, Murray, Goltz, North, McDermott and Talley:

An Act relating to navigation and harbors; and adding a new section to chapter 88.16 RCW.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 2186, by Senator Woody:

An Act relating to contractors' surety bonds; and amending section 4, chapter 77, Laws of 1963 as last amended by section 4, chapter 153, Laws of 1973 1st ex. sess. and RCW 18.27.040.

Referred to Judiciary Committee.

SENATE BILL NO. 2187, by Senators Wanamaker and Bottiger:

An Act relating to school bus stop shelters; and amending section 4, chapter 96, Laws of 1961 as amended by section 4, chapter 62, Laws of 1971 ex. sess. and RCW 47.42.040.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 2188, by Senators Wanamaker, Murray and Stortini:

An Act relating to public officers; and amending section 1, chapter 139, Laws of 1919 and RCW 42.04.020.

Referred to Committee on Constitution and Elections.

SENATE BILL NO. 2189, by Senator Pullen:

An Act relating to mobile homes; amending section 28A.45.030, chapter 223, Laws of 1969 ex. sess. and RCW 28A.45.030; amending section 28A.45.040, chapter 223, Laws of 1969 ex. sess. and RCW 28A.45.040; amending section 28A.45.050, chapter 223, Laws of 1969 ex. sess. and RCW 28A.45.050; amending section 28A.45.060, chapter 223, Laws of 1969 ex. sess. and RCW 28A.45.060; amending section 28A.45.100, chapter 223, Laws of 1969 ex. sess. and RCW 28A.45.100; amending section 28A.45.105, chapter 223, Laws of 1969 ex. sess. and RCW 28A.45.105; amending section 28A.45.120, chapter 223, Laws of 1969 ex. sess. and RCW 28A.45.120; amending section 82.08.030, chapter 15, Laws of 1961 as last amended by section 1, chapter 185, Laws of 1974 ex. sess. and RCW 82.08.030; amending section 82.12.030, chapter 15, Laws of 1961 as last amended by section 2, chapter 185, Laws of 1974 ex. sess. and RCW 82.12.030; amending section 68, chapter 299, Laws of 1971 ex. sess. and RCW 82.50.530; amending section 73, chapter 299, Laws of 1971 ex. sess. as amended by section 5, chapter 103, Laws of 1973 and RCW 82.50.902; amending section

84.60.020, chapter 15, Laws of 1961 and RCW 84.60.020; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.45 RCW; and creating new sections.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2190, by Senators Washington, Lewis (Harry) and Beck:

An Act relating to sales and use taxes; adding a new section to chapter 15, Laws of 1961 and to chapter 82.08 RCW; and adding a new section to chapter 15, Laws of 1961 and to chapter 82.12 RCW.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2191, by Senators Bottiger, Murray and Fleming:

An Act relating to special assessment deferral; amending section 35.50.050, chapter 7, Laws of 1965 as amended by section 5, chapter 137, Laws of 1972 ex. sess. and RCW 35.50.050; adding a new chapter to Title 36 RCW; and declaring an emergency.

MOTION

On motion of Senator Mardesich, Senate Bill No. 2191 was referred to the Committee on Local Government.

SENATE BILL NO. 2192, by Senators Stortini, Ridder and Wanamaker:

An Act relating to public employment; and amending section 4, chapter 80, Laws of 1947 and RCW 41.32.040.

Referred to Committee on Education.

SENATE BILL NO. 2193, by Senators Morrison and von Reichbauer:

An Act relating to justices of the peace; and amending section 3, chapter 14, Laws of 1973 1st ex. sess. and RCW 3.34.065.

Referred to Judiciary Committee.

SENATE BILL NO. 2194, by Senators von Reichbauer, Washington, Grant and Stortini:

An Act relating to United States senators; amending section 29.68.070, chapter 9, Laws of 1965 and RCW 29.68.070; and providing for the submission of this act to a vote of the people.

Referred to Committee on Constitution and Elections.

SENATE BILL NO. 2195, by Senators Ridder and Lewis:

An Act relating to county roads; and amending section 36.77.060, chapter 4, Laws of 1963 and RCW 36.77.060.

Referred to Committee on Local Government.

SENATE BILL NO. 2196, by Senators Francis, Scott, Ridder, North and McDermott:

An Act relating to the revision of rape laws; adding new sections to chapter 9.79 RCW; repealing section 33, page 80, Laws of 1854, section 35, page 204, Laws of 1869, section 37, page 187, Laws of 1873, section 812, Code of 1881, section 1, page 84, Laws of 1886, section 1, chapter 19, Laws of 1897, section 183, chapter 249, Laws of 1909, section 122, chapter 154, Laws of 1973 1st ex. sess. and RCW 9.79.010; and repealing section 33, page 80, Laws of 1854, section 35, page 204, Laws of 1869, section 37, page 187, Laws of 1873, section 814, Code of 1881, section 1, page 84, Laws of 1886, section 1, chapter 19, Laws of 1897, section 184, chapter 249, Laws of 1909, section 1, chapter 132, Laws of 1919, section 1, chapter 74, Laws of 1937, section 1, chapter 112, Laws of 1943, section 123, chapter 154, Laws of 1973 1st ex. sess. and RCW 9.79.020; repealing section 37, page 187, Laws of 1873, section 185, chapter 249, Laws of 1909 and RCW 9.79.030; defining crimes; and prescribing penalties.

Referred to Judiciary Committee.

SENATE BILL NO. 2197, by Senators Ridder, Newschwander and Grant:

An Act relating to registration of contractors; and amending section 4, chapter 77, Laws of 1963 as last amended by section 4, chapter 153, Laws of 1973 1st ex. sess. and RCW 18.27.040.

Referred to Judiciary Committee.

SENATE BILL NO. 2198, by Senators Woody, Bottiger and Jones:

An Act relating to crimes and criminal procedure; adding a new Title to the Revised Code of Washington to be designated as Title 9A; repealing section 33, page 80, Laws of 1854, section 35, page 204, Laws of 1869, section 37, page 187, Laws of 1873, section 812, Code of 1881, section 1, page 84, Laws of 1887, section 1, chapter 19, Laws of 1897, section 183, chapter 249, Laws of 1909, section 122, chapter 154, Laws of 1973 1st ex. sess. and RCW 9.79.010; repealing section 33, page 80, Laws of 1854, section 35, page 204, Laws of 1869, section 37, page 187, Laws of 1873, section 814, Code of 1881, section 1, page 84, Laws of 1886, section 1, chapter 19, Laws of 1897, section 184, chapter 249, Laws of 1909, section 1, chapter 132, Laws of 1919, section 1, chapter 74, Laws of 1937, section 1, chapter 112, Laws of 1943, section 123, chapter 154, Laws of 1973 1st ex. sess. and RCW 9.79.020; repealing section 120, page 225, Laws of 1869, section 126, page 209, Laws of 1873, sections 943 and 944, Code of 1881, sections 3 and 4, chapter 149, Laws of 1895, section 205, chapter 249, Laws of 1909, section 1, chapter 98, Laws of 1917 and RCW 9.79.110; repealing section 117, page 95, Laws of 1854, section 120, page 225, Laws of 1869, section 126, page 209, Laws of 1873, section 948, Code of 1881, section 206, chapter 249, Laws of 1909 and RCW 9.79.120; defining crimes; prescribing penalties; and declaring an emergency.

Referred to Judiciary Committee.

SENATE BILL NO. 2200, by Senators Day and Jones:

An Act relating to state institutions; and adding new sections to chapter 72.02 RCW.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2201, by Senators von Reichbauer and Day:

An Act relating to adoptions, amending section 4, chapter 291, Laws of 1955 as amended by section 3, chapter 134, Laws of 1973 and RCW 26.32.040; amending section 5, chapter 291, Laws of 1955 as amended by section 4, chapter 134, Laws of 1973 and RCW 26.32.050; amending section 8, chapter 291, Laws of 1955 as amended by section 5, chapter 134, Laws of 1973 and RCW 26.32.080; and adding new sections to chapter 26.32 RCW.

Referred to Judiciary Committee.

SENATE JOINT RESOLUTION NO. 103, by Senator Van Hollebeke:

Permitting district court broader jurisdiction including some trenching on superior courts.

Referred to Judiciary Committee.

There being no objection, additional sponsors were permitted on the following Senate bills: 2185, 2196 and 2199.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration on the introduction and first reading of House Bill No. 48.

INTRODUCTION AND FIRST READING

HOUSE BILL NO. 48, by Representatives Adams, Parker, Erickson, Freeman,

Gaines, Paris, Tilly, Wilson, Hayner and Nelson (by request of House Committee on Social and Health Services of the forty-third legislature):

Exempting persons who render emergency care from civil liability under certain conditions.

MOTION

Senator Day moved that House Bill No. 48 be referred to the Committee on Social and Health Services.

Debate ensued.

The motion by Senator Day carried. House Bill No. 48 was referred to the Committee on Social and Health Services.

MOTION

At 11:18 a.m., on motion of Senator Mardesich, the Senate adjourned until 10:30 a.m., Wednesday, January 22, 1975.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

TENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, January 22, 1975.

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 Herr, Keefe, Odegaard and Rasmussen. On motion of Senator Knoblauch, Senators Herr and Keefe were excused. There being no objection, Senator Odegaard was excused. There being no objection, Senator Rasmussen was excused temporarily.

The Color Guard, consisting of Pages Paula McIlroy and Joel Myer, presented the Colors. Father William Treacy, pastor of St. Michael's Church of Olympia, offered the following prayer:

"ALMIGHTY GOD, THE PROBLEM FACING US IN THIS STATE TODAY AND FACING PEOPLE EVERYWHERE IS CALLED THE ENERGY PROBLEM. THE WORD ENERGY REFLECTS THE WISDOM OF THE PEOPLE OF PREVIOUS AGES WHO GAVE THIS NAME TO THE POWER THAT MAKES THINGS WORK. WE HAVE GREAT NEED OF IT FOR THE MULTITUDE OF MACHINES WE HAVE FASHIONED FOR WORK AND PLAY.

"GRANT US THE WISDOM TO USE THIS ESSENTIAL INGREDIENT OF OUR ECONOMY WISELY AND PRUDENTLY WITHOUT EXTRAVAGANCE AND WASTE. ABOVE ALL, GRANT US A REVERENCE FOR THE OTHER SOURCES OF ENERGY WHICH YOU HAVE GIVEN IN ABUNDANCE TO US AND WHICH SO OFTEN WE TAKE FOR GRANTED, THE ENERGY THAT MAKES A TREE GROW, A FLOWER BLOOM, A RIVER FLOW, A TIDE EBB GENTLY BACK AND FORTH.

"GRANT US A REVERENCE FOR THE EXPLOSION OF ENERGY THAT SURROUNDS THAT MOMENT WHEN A FERTILIZED OVUM BEGINS ITS RAPID JOURNEY THAT IN A FEW MONTHS SEES IT DEVELOP INTO A HUMAN BEING FASHIONED WITH THE UTMOST SKILL AND PRECISION.

"LORD GOD, WE ACKNOWLEDGE YOU AS THE SOURCE OF ENERGY AND LIFE. WHEN YOU CREATED THE UNIVERSE AND UNLEASHED THESE FORCES, SCRIPTURE RECORDS YOUR MESSAGE, 'LET THERE BE LIGHT'. SEND YOUR LIGHT UPON US TO HELP FIND WAYS AND MEANS TO BANISH THE DARK CLOUD THAT HANGS OVER THE LIVES OF ALL OF US BECAUSE OF THIS PROBLEM WE CALL THE ENERGY PROBLEM. FOR THIS WE PRAY. AMEN."

MOTION

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

REPORTS OF STANDING COMMITTEE

January 21, 1975.

SENATE BILL NO. 2081, authorizing municipalities to purchase products and/or services from sheltered workshops (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; von Reichbauer, Vice Chairman; Buffington, Cunningham, Francis, Goltz, Gould, McDermott, North, Pullen, Ridder, Van Hollebeke.

Passed to Committee on Rules for second reading.

January 21, 1975.

SENATE BILL NO. 2097, changing period of enrollment and compensation for enrollees in the youth corps and reducing the time privately owned recreation areas developed by enrollees must be available to the public (reported by Committee on Parks and Recreation):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Knoblauch, Chairman; Bailey, Gould, Wanamaker.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Mardesich, there being no objection, Senate Bill No. 2199 and Senate Bill No. 2221 were ordered held on the Secretary's desk for introduction on Thursday, January, 23, 1975.

INTRODUCTION AND FIRST READING

SENATE BILL NO. 2202, by Senators Fleming and Cunningham:

An Act relating to sewer districts and water districts; adding a new section to chapter 56.12 and 57.12 RCW; and providing penalties.

Referred to Committee on Local Government.

SENATE BILL NO. 2203, by Senators Peterson, Rasmussen and Lewis (Harry):

An Act relating to game; adding a new section to chapter 36, Laws of 1955 and to chapter 77.32 RCW; and prescribing penalties.

Referred to Committee on Natural Resources.

SENATE BILL NO. 2204, by Senator Woody:

An Act relating to public employment disability retirement; amending section 21, chapter 274, Laws of 1947 as last amended by section 5, chapter 277, Laws of 1955 and RCW 41.40.200; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2205, by Senators Walgren, Bottiger and Lewis (R. H. "Bob"):

An Act relating to motor vehicle law enforcement; amending section 46.64.015, chapter 12, Laws of 1961 as amended by section 70, chapter 32, Laws of 1967 and RCW 46.64.015; amending section 46.64.030, chapter 12, Laws of 1961 as amended by section 72, chapter 32, Laws of 1967 and RCW 46.64.030; and adding a new section to chapter 32, Laws of 1967 and to chapter 46.64 RCW.

Referred to Judiciary Committee.

SENATE BILL NO. 2206, by Senators Day, von Reichbauer, McDermott and Guess:

An Act relating to Interlake school; and amending section 3, chapter 18, Laws of 1967 ex. sess. and RCW 72.30.030.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2207, by Senator Bottiger:

An Act relating to limitation of actions; and amending section 1, chapter 80, Laws of 1971 and RCW 4.16.350.

Referred to Judiciary Committee.

SENATE BILL NO. 2208, by Senators Lewis (R. H. "Bob"), Fleming and Murray:

An Act relating to the purchase of liquor by certain facilities licensed by the state

department of social and health services; and adding a new section to chapter 62, Laws of 1933 ex. sess. and to chapter 66.24 RCW.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2209, by Senators Bottiger and Murray (by Superintendent of Public Instruction request):

An Act relating to the organization of school districts; and amending section 28A.57.090, chapter 223, Laws of 1969 ex. sess. as amended by section 123, chapter 176, Laws of 1969 ex. sess. and RCW 28A.57.090.

Referred to Committee on Constitution and Elections.

SENATE BILL NO. 2210, by Senators Stortini, Murray and Ridder (by Superintendent of Public Instruction request):

An Act relating to certain fees at school events; 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. 2211, by Senators Beck and Sellar:

An Act relating to motor vehicle lighting and other equipment; and amending section 46.37.210, chapter 12, Laws of 1961 as amended by section 16, chapter 154, Laws of 1963 and RCW 46.37.210.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 2212, by Senator Pullen:

An Act relating to the control of alcoholic beverages; and adding a new section to chapter 66.08 RCW.

Referred to Committee on State Government.

SENATE BILL NO. 2213, by Senator Grant:

An Act relating to campaign finances; and adding a new section to chapter 1, Laws of 1973 and to chapter 42.17 RCW.

Referred to Committee on Constitution and Elections.

SENATE BILL NO. 2214, by Senators Fleming, Walgren, Guess and Wanamaker:

An Act relating to construction and maintenance of highways; and amending section 47.28.030, chapter 13, Laws of 1961 as last amended by section 1, chapter 116, Laws of 1973 and RCW 47.28.030.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 2215, by Senator Bottiger:

An Act relating to state government; amending section 8, chapter 120, Laws of 1965 ex. sess. as amended by section 5, chapter 182, Laws of 1969 ex. sess. and RCW 36.78.080; and amending section 19, chapter 83, Laws of 1967 ex. sess. as amended by section 2, chapter 171, Laws of 1969 ex. sess. and RCW 47.26.130.

Referred to Committee on Local Government.

SENATE BILL NO. 2216, by Senators Woody and Van Hollebeke:

An Act relating to vehicle accident liability insurance; and amending section 9, chapter 169, Laws of 1963 as amended by section 1, chapter 3, Laws of 1967 ex. sess. and RCW 46.29.090.

Referred to Committee on Financial Institutions.

SENATE BILL NO. 2217, by Senator Fleming:

An Act relating to public contracts; adding a new chapter to Title 39 RCW; and prescribing penalties.

Referred to Committee on Local Government.

SENATE BILL NO. 2218, by Senators Talley and Goltz:

An Act relating to port district contracts for labor and material; and amending section 2, chapter 348, Laws of 1955 and RCW 53.08.120.

Referred to Committee on Local Government.

SENATE BILL NO. 2219, by Senator Stortini:

An Act relating to school district employees; and amending section 3, chapter 10, Laws of 1972 ex. sess. and RCW 28A.58.100.

Referred to Committee on Education.

SENATE BILL NO. 2220, by Senators Sellar, Wilson and Lewis (R. H. "Bob"):

An Act relating to county warrants; and amending section 36.22.050, chapter 4, Laws of 1963 as amended by section 1, chapter 87, Laws of 1969 ex. sess. and RCW 36.22.050.

Referred to Committee on Local Government.

There being no objection, additional sponsors were permitted on Senate Bill No. 2214.

MOTION

On motion of Senator Mardesich, the Notices of Consideration by Senators Washington, Scott and Mardesich on Wednesday, January 15, 1975 to consider Senate Rules on Wednesday, January 22, 1975, was ordered placed for consideration on Thursday, January 23, 1975.

At 10:50 a.m., the Senate retired to the House Chamber to meet in Joint Session for the purpose of hearing a message from Governor Daniel J. Evans.

JOINT SESSION

The Speaker assumed the Chair.

The Sergeant at Arms 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 A. Cherberg and the President Pro Tempore of the Senate, Al Henry, 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.

The President of the Senate presided.

The President of the Senate called the Joint Session to order.

The Secretary of the Senate called the roll and all members were present, except Senators Herr, Keefe, Odegaard and Rasmussen, who were excused.

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

The President appointed the following committee to notify the Governor that the House and Senate were in Joint Session and to accompany him to the House Chamber: Senators Ridder, Jones and Knoblauch; Representatives Charette, Chatalas and Newhouse.

The President requested the following special committee to escort the elected state officials to seats within the House: Senators Bailey, Benitz and Woody; Representatives May, Gaspard and Pardini.

The President: "Honored members, ladies and gentlemen: The legislature is honored with the presence of a very renowned and illustrious visitor, the Honorable Soren Sommerfelt, Ambassador of Norway. Would Representatives Jastad, Juelling and Kilbury and Senators Walgren, Matson and Peterson please escort the Honorable Ambassador to the rostrum."

The Sergeants at Arms of the Senate and House announced the arrival at the bar of the House of Governor Daniel J. Evans, and the President requested the special committee to escort him to a place on the rostrum.

The President: "Mr. Speaker, Governor Evans, Ambassador Sommerfelt, Reverend Father McLellan, ladies and gentlemen: We are honored this morning to have with us a world renowned diplomat. This occasion is of special historical significance and this is the first time that an ambassador of one of the world's finest democracies has appeared before the Joint Session of the Washington State Legislature. It has been 150 years since, in 1825, a small vessel set sail from Norway for the United States of America with 52 people aboard. Since that time there have been many wonderful citizens migrate from Norway to the United States, many of whom have had the very good judgment to come directly to the state of Washington. It is my honor to proudly present his Excellency, the Honorable Soren Sommerfelt, Ambassador of Norway."

Ambassador Sommerfelt: "Mr. President, Mr. Speaker, Governor: I'm not only greatly honored to be able to stand here before you today, but I'm also rather deeply moved. I can assure you that it is the first time such an honor has been bestowed upon me. As you mentioned, Mr. President, the main reason why I'm here in the state of Washington is that I attended an opening ceremony in Seattle for the celebration of the sesquicentennial of organized Norwegian immigration to the United States, and I find it symptomatic that the first ceremony of this kind should take place here in this state. For a long time the northern midwest was known as the stronghold of what has been called the Norwegian-American and many still think it is. The expression, the Norwegian-American, today obviously is much less appropriate since the great wave of Norwegian immigrants of the past have been constantly assimilated within your homeland. Nevertheless it is interesting to note that today the West Coast states have the greatest number of Americans of Norwegian stock. That's one reason why I find it symptomatic and appropriate that the first opening of the Sesquicentennial Jubilee should take place here. But at the same time, it's evident that this state is one of the states which nowadays attracts the greatest number of Norwegians. It is a witness of the dynamic development which takes place here, and is now a good reason for inaugurating the celebration here.

"The first Norwegian immigrants came mainly in quest of farmland, but the state of Washington offered them opportunities also in other fields that appealed to them, as in fishing, forestry, shipping and trading — and later on still other opportunities. Here existed a stronghold in reflecting the trend of modern society — scientific research now in Washington seems to be a particularly strong magnet. Then, of course, for a Norwegian coming out here, it is not difficult to find himself at home. I personally had the offer of trying out your cross-country skiing when I arrived here last Saturday. There are, in effect, many striking similarities between your state and Norway.

"I have a feeling that you are going to talk something about energy in this very room today, and I can assure you that no hour, no day goes by in my country without that particular problem being discussed. We are ourselves on the threshold of exploiting the petroleum resources on our part of the continental shelf off our coast, and this exploitation and the development of Norwegian industries related to off-shore drilling, have already created new links between my country and the United States. Norwegian subsidiaries of American oil companies are actually on the continental shelf. Norwegian enterprises are building drilling rigs, production platforms, supply ships, for American companies, among others, and of course we are using American equipment and still using financial resources from the United States. Other Norwegian companies have acquired interest in domestic U.S. oil companies, and so on. I think one particularly interesting feature is the fact that a small American oil community has settled in the same community in Norway, the very port from where the immigrant vessel, 'The Restoration,' left Norway 150 years ago, on the fourth of July, 1825. The celebration this year of the sesquicentennial will have started before that date, but on that date the departure of the first immigrant vessel will be restaged and another Norwegian sailing ship, a training ship for young sailors, known to you perhaps as a windjammer, will set sail for America. Among the calls this ship will make (unfortunately only on the East Coast) will be New York, where the Restoration landed on the ninth of October, 1825, after a trip of eight weeks. His Majesty King Olav will then just have arrived in New York to start his tour of approximately three weeks to the United States where he has been invited to visit the main areas where Americans of Norwegian stock live. He will,

I might say, of course, have included into his itinerary, Seattle. The details of the program are still subject to his majesty's consent. This program could not have been worked out without the support of the state of Washington. At present, the first successful celebration of the sesquicentennial in this state and in other states is, I'm sure, thanks to the already solid foundation upon which the Norwegian-American friendship rests.

"As I said, I'm deeply honored and deeply moved to have been able to express my gratitude to you who are the elected representatives of the people of the State of Washington. I thank you." (Applause)

The President: "Thank you very much, Mr. Ambassador. Mr. Speaker, honored members of the Senate and House, ladies and gentlemen: The President is glad to have the pleasure and privilege of presenting to you His Excellency, the Honorable Daniel J. Evans, Governor of the State of Washington."

ENERGY AND TRANSPORTATION MESSAGE

The Governor: "Mr. President, Mr. Speaker, Mr. Ambassador, ladies and gentlemen of the Legislature, and my fellow citizens: For the second time in less than two weeks I am here before this body to bring a message of importance. In this case a message of particular importance to the future well-being of the citizens of our state. Energy is talked about, and has been over the last couple of years, as few other subjects. We meet here today in a time of international economic recession — international economic recession influenced by factors unprecedented in modern history. The growing world-wide demand for raw materials and basic resources coupled with supply shortages have led to classic examples of price escalation as nations compete with each other for scarce commodities. As our nation over the past generation led the world in a new industrial revolution, we quickly became major consumers of the world's raw materials. Today the United States, with six percent of the world's population, uses over thirty percent of the world's energy supplies. If all of the world's population were as demanding of energy and other natural resources as our citizens, we would be consuming energy on a world-wide basis at five times the present rate. And we would have long since faced up to the chaos or the solution of our energy conundrum.

"We all face, then, a major shift in priorities, in consumption, and in our style of life, if we are to have any hope of presenting to our children a lifetime of peace and of potential prosperity. Our technology can help. Science and human ingenuity can lead to responsible answers, but only — only if we collectively can give technology and the ingenuity time to react to the rapidly developing crisis which envelops the industrialized world.

"In the interim, conservation must be our constant companion. The alternatives are mandatory conservation, mandatory conservation through rationing, rationing of scarce goods or simply empty shelves. Price conservation, price conservation through heavy and selective taxation, price conservation which too often falls most heavily on those least able to cope, or voluntary conservation, a voluntary conservation which I am still convinced could provide the needed slowdown in consumption if generally and enthusiastically understood and supported by this nation's population. But we better understand that whether by decree or by voluntary action, conservation in some fashion must and will occur.

"The nation is beginning to respond. Recent reports we have received indicate that while automobile sales in this nation for the first ten months of last year were down by more than twenty percent, the sale of compact and high-gas-mileage automobiles was up by more than twenty-one percent. I believe there is, at least in this state, a general respect for the fifty-five mile an hour speed limit which in itself conserves vast critical oil supplies. But these efforts must be expanded by constant attention to careful home heating, industrial conservation practices, better insulation, stronger recycling efforts and a consistent personal determination to use the family automobile in a more rational and even a more limited fashion. Now all of these are simple, mundane, but collectively could be dramatic measures. Uniform adherence to these and similar acts could allow

this nation to reach the goal set by President Ford of reducing oil imports by one million barrels a day.

"Now that modest goal — that is a modest goal — represents a six percent reduction in current usage. A six percent reduction which must be achieved. A six percent reduction which is now argued over in the Congress and at the executive levels of our land, not as a goal, but only in how to achieve that goal. I believe it could far better be accomplished through voluntary support rather than by mandatory or expensive alternatives suggested by others.

"In an effort to lead in this goal, I am asking state government to reinstitute the conservation programs much as they were in existence during the electrical crisis of a year ago. I shall seek from this legislature a Resource Recovery Act — a Resource Recovery Act to set in motion major efforts toward recycling and reuse and even innovative new use of critical once-used materials. I will establish a council composed of the suppliers of various forms of energy to meet with me so that we can all work cooperatively in our efforts toward overall energy conservation while maintaining the broadest and strongest possible industrial and job base.

"We cannot afford during this period of energy shortage to see the increasingly critical and sometimes contradictory competition between energy suppliers each trying to obtain the maximum share of a dwindling market.

"I cannot overemphasize then the importance of conservation. Even though the reservoirs are now full and the gas stations are now pumping and our homes are still well heated, an energy crisis far more severe than that of last fall and last winter could loom over us. It is imperative that every citizen examine his and her priorities in the use and the consumption of energy. I believe it is far better for this crisis to be met by voluntary action of all citizens rather than the harsh, governmentally imposed mandates of rationing or heavy taxes. Washington citizens have demonstrated before that they care enough about their state and its future to respond to the crises of the past. And I am confident that we will do so again.

"If energy is in short supply throughout the world, so too, is food. Worldwide problems of hunger expand as populations of underdeveloped nations increase faster than the world's food supply. Although we see abundance all about us, hunger is not unknown even here in our state of Washington. One of our current challenges, certainly a challenge of this body during this session, is to insure that adequate food for the sustenance of life is available to all. Absolutely necessary to that goal is the production of sufficient food to meet the world's population. We, here in Washington, have a unique combination of water, weather and land to provide increasingly for our nation's food supply and for overseas export. Response to our Alternatives for Washington questionnaire and the polls indicate clearly a preference for a future Washington emphasizing agricultural development and the protection and the utilization of our unique land base. We can, during this legislative session, provide state leadership in promoting these goals.

"A critical element in agricultural production is water. Water, once thought to be abundant, may prove to be our most precious natural resource. And while we appear to have sufficient supplies for industrial and municipal and personal purposes, it is agriculture that represents again our greatest challenge. Irrigation of present farm lands now takes over two-thirds of the total consumptive water use in our state. And our limits on further irrigation may not be the limits on available land itself but rather on sufficient supplies of water.

"These facts and Washington's future development make diversion of Northwest waters to other river basins unthinkable. Not necessarily 'undoable,' but unthinkable. Our mandate then is to provide the necessary laws and to help insure adequate financing so that our full water potential here in our state is realized. One necessary element lies in cooperative action with our neighboring Northwest states. I urge you now to join with me in renewing negotiations for a suitable Columbia Basin Compact and to implement, this session, a special section of that compact, a fisheries compact, for the Columbia River which would add necessary Idaho and Indian interests to those existing participants of Oregon and Washington. I realize well from my own experience and those of

some of you still sitting in this body, the controversy in past years over a proposed Columbia Basin Compact. I believe, or at least I hope, that some of those conflicts of the past have been now mitigated and that the needs for cooperative action of the states in the Northwest is now so great that renewed negotiations will be productive.

"I will also seek to continue our efforts through the Pacific Northwest Regional Commission in meeting with the Bonneville Power Administration and ultimately with our Canadian neighbors and certainly with the Bureau of Reclamation to help insure a regional view, harnessed with a federal view, in the use of this great water resource.

"To initiate the next phase of land development, I have asked that twelve and a half million dollars be set aside in the budget for matching necessary federal money to begin construction on the Bacon Siphon and Tunnel, a critical key to the potential development of over 500,000 acres of irrigable land. I will work closely with you and with our fine congressional delegation, a powerful one I might add, in this effort. Upon completion of the Bacon Siphon and Tunnel, a Phase II program could begin then which would bring 155,000 of that half million acres under irrigation in the reasonably near future.

"In other areas of Eastern Washington, it may be possible to assist in the development of new lands through a proposed Irrigation Project Development Act. Interestingly, this act is virtually a renewal of an act which was on our books for many, many years and for some reason repealed a few years ago. Through this act the state could assist in the development of areas not suitable for assistance through federal projects such as the Bureau of Reclamation projects and those projects not subject or not open or feasible for private development. I believe we should depend, however, to the extent we can, on private development of farm acreage and on shared federal and state development of remaining large projects.

"I shall ask for studies to be commenced immediately on the potential of full scale combinations of nuclear plant development, utilizing the cooling waters for major irrigation purposes. Most groundwork has already been laid. Much experimentation has been carried out. I believe there are at least a couple of potential areas where major projects combining together power development and irrigation of farms could be instituted. All of these proposals emphasize the increasingly precious nature of our water resource — a resource which by law and our Constitution is reserved to the people of this state. It is a public resource which should have its value reflected in public benefits. Custom and tradition have helped create a system of water rights which provide perpetual and free rights to water on successful application.

"I believe there is more than a striking similarity between the water resources of the public in this state and timber on our public lands. The contrast in income to the public is equally striking. Last year timber sales brought more than a hundred million dollars to state government for public purposes. Water — essentially nothing.

"I will ask this legislature, then, for a water rights permit system which will have the effect first of ratifying all of the current applications and claims for water rights of less than 5,000 gallons per day. We have been receiving applications over the past few years under existing legislation. More than 180,000 have been submitted. This ratification of all small claims would ratify more than 100,000 of those 180,000 applications. Secondly, for large, commercial and industrial and agricultural purposes, the establishment of a system of long-term permits, but not perpetual water rights — long-term permits of up to fifty years, long-term permits for periods that would allow full amortization of the investment made by anyone in the development of water and its use on that land. I will ask that a moderate charge be made for water issued under these permits so that some revenue can accrue to the people of the state for the use of this valuable resource. And let me reiterate that no charge should be made or legislatively authorized that could harm or make impossible the economic use of land for production. I will further ask that insofar as public benefits are provided by a potential user, such as opening lands to hunting or the establishment of conservation projects, that these benefits be utilized as an offset against any potential such water charge.

"The income from this proposal should be utilized in much the same fashion as income from the management of our state lands. Twenty percent for continued manage-

ment of our water resources and eighty percent to help finance the further development of irrigation and water supply for agricultural and industrial purposes. This could allow our state to have a continuing source of revenue to help others in the development of these needed resources for the benefit of all. I emphasize most strongly that any such system should have a sufficient term to allow full amortization of investment to make the land productive and that any charge be well within the economic capacity of the proposed land use.

"The future of agriculture is a bright one for this state. New crop developments such as soybeans, wine grapes and other commodities will further diversify and intensify Washington's agriculture. I will ask the legislature to add to the budget I have already presented, extra financing for specialized agricultural research — particularly research designed to further increase the productivity and diversity of Washington farms. I shall ask our Departments of Commerce and Economic Development and Agriculture to act jointly on encouraging the integration of agriculture and food processing facilities. I shall ask for some additional resources for our economic assistance authority and an added emphasis from the Washington Futures bond issues to insure that necessary utilities and other ancillary facilities are provided to make the growth of food processing, an agriculturally-oriented industry, a reality in this state.

"Marketing of agricultural output is of equal importance to production itself. Both independently as a state, and jointly through the Pacific Northwest International Trade Council, I will continue to emphasize foreign markets and trade development. While basic agriculture in Washington is nearly a two billion dollar a year industry, we are just beginning to realize the potential which ultimately may represent our most important contribution to the nation's well-being.

"Closely related to the twin challenges then, of agricultural development and conservation, is that of energy and the expansion of our energy supply. I am grateful to our Energy Council and to the citizens who serve on it. They have presented a comprehensive report with specific proposals to me and to this legislature. This report is on your desks along with the current biennial report of the Department of Ecology on water resources. These documents deserve your close attention for they describe not only the problems facing us but also point the way toward rational solutions.

"Energy is a difficult and an elusive issue. Competition, pricing, supply and conservation are all interrelated and to many times contradictory. We must act to develop comprehensive energy policies to insure minimum economic disruptions, protection against devastating price increases, encouragement of further energy development and the preservation of our precious environmental quality. This legislative energy package, I believe, will help lead us to this ambitious goal.

"I ask first for the establishment of an energy office. It should be a small agency, directly reporting to the Governor and not a line department, not regulatory in nature, concentrating on the technical and research coordination necessary to aid energy decision-making. This energy office should have a citizen advisory committee to bring to it and to bring to state government the input of citizens of our state. I shall also ask that a small group of cabinet officers join with me as a policy-setting group insofar as executive policy is required.

"Fundamental energy policies, I believe, should and must be established by legislative act and carried out through executive action aided by this new energy office advised by a citizen council and appropriate cabinet officers.

"In order to carry out details, then, of an energy policy, I ask that the existing Thermal Power Plant Siting Council be expanded in function to become an energy siting council. This energy council would carry out the policy directions of the legislature and the executive. And it would react to applications for construction of major energy projects and energy corridors. This council should have as one of its prime responsibilities the collection of information, the assimilation of that information and the decision making as to applicants, so that we can minimize the lead time necessary between application and on-line production through new energy sources. In addition, I believe this council should assume one new responsibility and that is to help in the identification and in the potential preselection of sites for major energy-oriented projects.

The preselection of such sites could further shorten lead time and allow energy-producing entities to come on line earlier than otherwise we could expect. Such a council would neither supersede nor override necessary local or environmental controls.

"The disruption caused by energy shortages was demonstrated twice in the past year. In the electrical and the gasoline crises, emergency procedures were required. I believe that it is imperative that we pass standby emergency legislation. Legislation that would establish an emergency allocation committee of legislators and citizens to help give guidance during periods of acute energy shortage. I also ask that you more clearly define the authority for gubernatorial action when faced with catastrophic or immediate emergencies where the safety and health of our citizens is threatened and no time is available for committee or special legislative action.

"Again, I ask this legislature for a Department of Transportation as a major element in energy management and energy conservation. Over forty percent of the total petroleum usage in this state is transportation related. And thus at least that much of the solution to petroleum energy shortages must come through changes in transportation. The state must be involved in overall transportation planning and management. Now I heard, as you did, the President's message which has as a goal the reduction of a million barrels of oil consumption. Now whether it is done by rationing or price or involuntary conservation, I believe we all must predicate our assumptions for the next biennium on that reduced use and as a result reduced income from gasoline taxes.

"I recognize the precarious nature of the funding, then, for our highway system. And I pledge to work with this legislature and with each of you in the development of necessary and secure funding for both our highway system and for our growing mass transportation needs as energy shortages persist. This three part transportation package can aid immeasurably in our drive toward energy self sufficiency.

"Probably no greater environmental fear exists in the State of Washington than that of a major oil spill. Petroleum needs, however, will continue and during the course of the past year we have had dramatic indications from our Canadian neighbors that traditional supplies can no longer be depended upon. As Canadian sources via pipeline dwindle and disappear as I suggest they will, it is apparent that more crude oil necessarily must be supplied by sea. The alternative to that is a restriction and, ultimately, the closure of some existing refining capacities.

"A high priority, then, must be an oil transport and safety act. This proposal would, as a state policy, confine oil supertankers to the Straits of Juan de Fuca west of Port Angeles. Allowance would be made for continued supply of existing facilities by smaller tankers. An oil transfer authority would be established which could build and manage a single point oil transfer facility if such a facility was found both desirable and feasible. Delivery of oil supplies to a single point for further distribution by pipeline could minimize environmental hazards while providing the basis for necessary oil and perhaps even natural gas supplies. This site of transfer could, again, if desirable, ultimately be the site of a potential complex of associated industries. This proposed act would assess a four cent a barrel transfer tax on all oil imported by tanker in the state for the dual purposes of development of safety procedures and oil spill countermeasures. And I do not believe we have an adequate response available to us today for a major oil spill and we immediately and desperately need that kind of countermeasure availability. It will also provide revenue for the potential construction of a transfer facility if we desire one.

"We face an unprecedented combination of exterior influences on our economy and on our future development. A growing interdependence of nations and of states may frustrate us today, but ultimately could lead to long-term peaceful coexistence. Our generation has witnessed the dawn of an atomic age, man's first faltering steps into the solar system, and a desperate need for a new conservation ethic as we push the outer limits of world resource supply. This age we are now entering demands new economic and fiscal, as well as personal, responses if we are to build a secure future. The challenge before this legislature this year is to begin to establish a comprehensive growth policy and direction for the citizens of our state. To do all of that, it is necessary to encourage the development of Washington's great land and water resources for the benefit of our-

selves and our neighbors and to ensure that a cheap, clean, abundant energy supply is available to work as hard and as well for our children as it has done for our generation.”

(Applause)

The President: “Thank you very much, Governor Evans, for your very interesting and informative message.

“Mr. Ambassador: The people of our state, the Governor, the Speaker, the other members of the Legislature and the state officials all join on this memorable occasion in designating you as an honorary, distinguished citizen of the State of Washington, and also as an Ambassador of Goodwill to extoll the virtues of the Evergreen State.”

The President requested the special committee to escort Governor Evans from the House Chamber.

The President requested the special committee to escort Ambassador Sommerfelt from the House Chamber.

The President requested the special committee to escort the elected state officials from the House Chamber.

MOTION

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

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

The Speaker requested the escort committee to escort President Cherberg, President Pro Tempore Henry and the state Senators from the House Chamber.

SECOND MORNING SESSION

The President called the Senate to order at 11:58 a.m.

MOTION

At 12:03 p.m., on motion of Senator Mardesich, the Senate adjourned until 11:00 a.m., Thursday, January 23, 1975.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

ELEVENTH DAY**MORNING SESSION**

Senate Chamber, Olympia, Thursday, January 23, 1975.

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 Keefe. There being no objection, Senator Keefe was excused.

The Color Guard, consisting of Pages Willa Bradford and Roger Anderson, presented the Colors. Father Dennis Robb, associate pastor of St. Michael's Church of Olympia, offered the following prayer:

"PSALM 115: THE LORD REMEMBERS US AND WILL HEAR US; HE WILL BLESS THOSE WHO FEAR THE LORD, BOTH THE SMALL AND THE GREAT. MAY THE LORD BLESS YOU. MAY YOU BE BLESSED BY THE LORD WHO MADE HEAVEN AND EARTH. HEAVEN IS THE HEAVEN OF THE LORD, BUT THE EARTH HE HAS GIVEN TO THE CHILDREN OF MEN. IT IS NOT THE DEAD WHO PRAISE THE LORD, NOR THOSE WHO GO DOWN IN SILENCE, BUT WE BLESS THE LORD BOTH NOW AND FOREVER. LORD, WE ASK FOR YOUR PRESENCE AMONG US TODAY. WE ASK THAT YOU MAY GIVE YOUR BLESSING TO ALL OF US GATHERED HERE THIS MORNING. GRANT THAT THE DELIBERATIONS AND DECISIONS WHICH WE MAKE TODAY AND THE LIVES WHICH WE LIVE MAY ALWAYS GIVE GLORY TO YOUR NAME. AMEN."

MOTION

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

REPORTS OF STANDING COMMITTEES

January 22, 1975.

SENATE BILL NO. 2006, creating a state department of veterans' affairs (reported by Committee on State Government):

Recommendation: That Substitute Senate Bill No. 2006 be substituted therefor and the substitute bill do pass.

Signed by: Senators Rasmussen, Chairman; Buffington, Cunningham, Day, Henry, Knoblauch, Wanamaker.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENTS

January 22, 1975.

DONALD L. BELL, to the position of member of the Washington State Aeronautics Commission, appointed by the Governor on July 1, 1973 for the term ending December 31, 1977, succeeding Ben de St. Croix (reported by the Committee on Transportation and Utilities):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Walgren, Chairman; Henry, Vice Chairman; Bottiger, Guess, Jolly, Peterson, Sellar, Talley, Wanamaker.

Passed to Committee on Rules.

January 22, 1975.

ROBERT A. FELTHOUS, to the position of member of the Washington State Aeronautics Commission, appointed by the Governor on June 6, 1973 for the term ending December 31, 1977, succeeding Howard Hettinger (reported by the Committee on Transportation and Utilities):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Walgren, Chairman; Henry, Vice Chairman; Bluechel, Bottiger, Guess, Jolly, Peterson, Sellar, Talley, Wanamaker.

Referred to Committee on Rules.

January 22, 1975.

DONALD K. MORFORD, to the position of member of the State Board for Community College Education appointed by the Governor on April 3, 1974 for the term ending April 3, 1978, succeeding himself (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Guess, Scott.

Passed to Committee on Rules.

January 22, 1975.

LOUIS SORIANO, to the position of member of the State Board for Community College Education, appointed by the Governor on April 3, 1974 for the term ending April 3, 1978, succeeding himself (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Guess, Scott.

Passed to Committee on Rules.

January 22, 1975.

JEAN H. LUDWICK, to the position of member of the State Board for Community College Education, appointed by the Governor on November 26, 1974 for the term ending April 3, 1976, succeeding John Hagensen (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Guess, Scott.

Passed to Committee on Rules.

January 22, 1975.

ROBERT M. HUMPHREY, to the position of member of the Council on Higher Education, appointed by the Governor on November 26, 1974 for the term ending June 30, 1975, succeeding Richard Albrecht (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Guess, Scott.

Passed to Committee on Rules.

January 22, 1975.

HOWARD SORENSON, to the position of member of the Washington State Highway Commission, appointed by the Governor on July 1, 1973 for the term ending July 1, 1978, succeeding Lorna Ream (reported by the Committee on Transportation and Utilities):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Walgren, Chairman; Henry, Vice Chairman; Bottiger, Guess, Jolly, Peterson, Sellar, Talley, Wanamaker.

Passed to Committee on Rules.

January 22, 1975.

MRS. VIRGINIA GUNBY, to the position of member of the Washington State

Highway Commission, appointed by the Governor on July 1, 1973 for the term ending July 1, 1979, succeeding John Rupp (reported by the Committee on Transportation and Utilities):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Waigren, Chairman; Henry, Vice Chairman; Bottiger, Guess, Jolly, Peterson, Sellar, Talley, Wanamaker.

Passed to Committee on Rules.

January 22, 1975

HERBERT HADLEY, to the position of member of the Board of Trustees of The Evergreen State College, appointed by the Governor on March 16, 1974 for the term ending March 15, 1980, succeeding himself (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Guess, Scott.

Passed to Committee on Rules.

January 22, 1975.

HALVOR HALVORSON, to the position of member of the Board of Trustees of The Evergreen State College, appointed by the Governor on March 13, 1973 for the term ending March 15, 1979, succeeding himself (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Guess, Scott.

Passed to Committee on Rules.

January 22, 1975.

ARK G. CHIN, to the position of member of the Board of Trustees of Western Washington State College, appointed by the Governor on April 22, 1974 for the term ending March 16, 1980, succeeding Harold Philbrick (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Guess, Scott.

Passed to Committee on Rules.

MOTION

On motion of Senator Mardesich, there being no objection, Senate Bill No. 2199 was ordered held for introduction on Friday, January 24, 1975.

MOTION

On motion of Senator Day, the rules were suspended and Senator Guess was permitted as an additional sponsor to Senate Bill No. 2206 which was introduced on Wednesday, January 22, 1975.

INTRODUCTION AND FIRST READING

SENATE BILL NO. 2221, by Senators Francis, Murray and Fleming:

An Act relating to state government; adding a new chapter to Title 43 RCW; and providing penalties.

MOTION

On motion of Senator Mardesich, Senate Bill No. 2221 was referred to the Judiciary Committee.

SENATE BILL NO. 2222, by Senators Woody, Buffington and Bottiger (by 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. 2223, by Senators Marsh, Bluechel, Talley and Clarke:

An Act relating to credit unions; amending section 2, chapter 23, Laws of 1957 and RCW 31.12.010; amending section 4, chapter 173, Laws of 1933 as amended by section 4, chapter 131, Laws of 1943 and RCW 31.12.080; amending section 9, chapter 173, Laws of 1933 as last amended by section 1, chapter 48, Laws of 1953 and RCW 31.12.130; amending section 15, chapter 173, Laws of 1933 as last amended by section 5, chapter 8, Laws of 1973 1st ex. sess. and RCW 31.12.190; amending section 16, chapter 173, Laws of 1933 as last amended by section 4, chapter 65, Laws of 1969 and RCW 31.12.200; amending section 17, chapter 173, Laws of 1933 as last amended by section 6, chapter 8, Laws of 1973 1st ex. sess. and RCW 31.12.210; amending section 21, chapter 173, Laws of 1933 as last amended by section 8, chapter 8, Laws of 1973 1st ex. sess. and RCW 31.12.240; amending section 20, chapter 173, Laws of 1933 as last amended by section 10, chapter 8, Laws of 1973 1st ex. sess. and RCW 31.12.260; amending section 11, chapter 23, Laws of 1957 as last amended by section 11, chapter 8, Laws of 1973 1st ex. sess. and RCW 31.12.270; amending section 12, chapter 23, Laws of 1957 as last amended by section 12, chapter 8, Laws of 1973 1st ex. sess. and RCW 31.12.280; and amending section 25, chapter 173, Laws of 1933 as amended by section 19, chapter 131, Laws of 1943 and RCW 31.12.310.

Referred to Committee on Financial Institutions.

SENATE BILL NO. 2224, by Senator Grant

An Act relating to vacancies in the legislature; and adding a new section to chapter 44.04 RCW.

Referred to Committee on Constitution and Elections.

SENATE BILL NO. 2225, by Senators Day, Ridder and McDermott:

An Act relating to hereditary disorders; and adding a new chapter to Title 70 RCW.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2226, by Senators Francis, Woody and Clarke:

An Act relating to appeals and costs; amending section 5, chapter 126, Laws of 1913 as last amended by section 1, chapter 111, Laws of 1972 ex. sess. and RCW 2.32.240; and amending section 2, chapter 133, Laws of 1965 as last amended by section 2, chapter 111, Laws of 1972 ex. sess. and RCW 10.01.112.

Referred to Judiciary Committee.

SENATE BILL NO. 2227, by Senators Guess and Donohue:

An Act relating to community colleges; making an appropriation; and declaring an emergency.

Referred to Committee on Higher Education.

SENATE BILL NO. 2228, by Senator Rasmussen:

An Act relating to elections; amending section 29.13.010, chapter 9, Laws of 1965 as last amended by section 1, chapter 36, Laws of 1973 2nd ex. sess. and RCW 29.13.010; amending section 29.13.020, chapter 9, Laws of 1965 as amended by section 3, chapter 123, Laws of 1965 and RCW 29.13.020; amending section 29.13.021, chapter 9, Laws of 1965 and RCW 29.13.021; amending section 29.13.023, chapter 9, Laws of 1965 and RCW 29.13.023; amending section 29.13.024, chapter 9, Laws of 1965 and RCW 29.13.024; amending section 29.13.050, chapter 9, Laws of 1965 as amended by

section 6, chapter 123, Laws of 1965 and RCW 29.13.050; amending section 29.13.070, chapter 9, Laws of 1965 as amended by section 6, chapter 103, Laws of 1965 ex. sess. and RCW 29.13.070; and adding new sections to chapter 29.13 RCW.

Referred to Committee on Constitution and Elections.

SENATE BILL NO. 2229, by Senators Rasmussen, Knoblauch and Newschwander:

An Act relating to highways; directing construction of a Naches Pass tunnel; adding new sections to Title 47 RCW; and declaring an emergency.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 2230, by Senators Clarke, Jones and Morrison:

An Act relating to crimes and criminal procedure; adding a new Title to the Revised Code of Washington to be designated as Title 9A; repealing section 40, page 82, Laws of 1854, section 44, page 189, Laws of 1873, section 823, Code of 1881, section 40, page 77, Laws of 1886, section 1, chapter 87, Laws of 1895, section 320, chapter 249, Laws of 1909, section 1, chapter 11, Laws of 1863 and RCW 9.09.010; repealing section 40, page 82, Laws of 1854, section 44, page 189, Laws of 1873, section 823, Code of 1881, section 40, page 77, Laws of 1886, section 1, chapter 87, Laws of 1895, section 321, chapter 249, Laws of 1909, section 1, chapter 265, Laws of 1927, section 2, chapter 11, Laws of 1963, section 1, chapter 17, Laws of 1965 ex. sess. and RCW 9.09.020; repealing section 322, chapter 249, Laws of 1909 and RCW 9.09.030; repealing section 323, chapter 249, Laws of 1909 and RCW 9.09.040; repealing section 324, chapter 249, Laws of 1909 and RCW 9.09.050; repealing section 6, chapter 87, Laws of 1895, section 325, chapter 249, Laws of 1909 and RCW 9.09.060; repealing section 44, page 83, Laws of 1854, section 48, page 190, Laws of 1873, section 827, Code of 1881, section 1, page 14, Laws of 1888, section 326, chapter 249, Laws of 1909 and RCW 9.19.010; repealing section 44, page 83, Laws of 1854, section 48, page 190, Laws of 1873, section 827, Code of 1881, section 1, page 14, Laws of 1888, section 327, chapter 249, Laws of 1909 and RCW 9.19.020; repealing section 49, page 190, Laws of 1873, section 828, Code of 1881, section 328, chapter 249, Laws of 1909 and RCW 9.19.030; repealing section 1, chapter 90, Laws of 1893, section 330, chapter 249, Laws of 1909 and RCW 9.19.050; repealing section 1, chapter 36, Laws of 1970 ex. sess. and RCW 9.26A.010; repealing section 2, chapter 36, Laws of 1970 ex. sess. and RCW 9.26A.020; repealing section 3, chapter 36, Laws of 1970 ex. sess. and RCW 9.26A.030; repealing section 4, chapter 36, Laws of 1970 ex. sess. and RCW 9.26A.040; repealing section 5, chapter 36, Laws of 1970 ex. sess. and RCW 9.26A.050; repealing section 6, chapter 36, Laws of 1970 ex. sess. and RCW 9.26A.060; repealing section 7, chapter 36, Laws of 1970 ex. sess. and RCW 9.26A.070; repealing section 8, chapter 36, Laws of 1970 ex. sess. and RCW 9.26A.080; repealing section 822, Code of 1881, section 358, chapter 249, Laws of 1909 and RCW 9.33.010; repealing section 87, page 91, Laws of 1854, section 96, page 203, Laws of 1873, section 894, Code of 1881, section 359, chapter 249, Laws of 1909 and RCW 9.33.020; repealing section 87, page 91, Laws of 1854, section 96, page 203, Laws of 1873, section 894, Code of 1881, section 360, chapter 249, Laws of 1909 and RCW 9.33.040; repealing section 822, Code of 1881, section 361, chapter 249, Laws of 1909 and RCW 9.33.050; repealing section 362, chapter 249, Laws of 1909 and RCW 9.33.060; repealing section 108, page 95, Laws of 1854, section 119, page 208, Laws of 1873, section 923, Code of 1881 and RCW 9.33.070; repealing section 1, chapter 46, Laws of 1911 and RCW 9.37.050; repealing section 1, chapter 78, Laws of 1937 and RCW 9.37.060; repealing section 370, chapter 249, Laws of 1909 and RCW 9.38.030; repealing section 409, chapter 249, Laws of 1909 and RCW 9.38.050; repealing section 267, chapter 249, Laws of 1909 and RCW 9.40.010; repealing section 268, chapter 249, Laws of 1909 and RCW 9.40.020; repealing section 269, chapter 249, Laws of 1909 and RCW 9.40.030; repealing section 847, Code of 1881, section 9, page 127, Laws of 1890 and RCW 9.40.050; repealing section 2, page 300, Laws of 1877, section 1225, Code of 1881, section 13, chapter 69, Laws of 1891 and RCW 9.40.060; repealing section 1, page 300, Laws of 1877, section

1224, Code of 1881, section 14, chapter 69, Laws of 1891 and RCW 9.40.070; repealing section 4, page 300, Laws of 1877, section 1227, Code of 1881, section 15, chapter 69, Laws of 1891 and RCW 9.40.080; repealing section 338, chapter 249, Laws of 1909 and RCW 9.44.010; repealing section 57, page 85, Laws of 1854, section 63, page 194, Laws of 1873, section 854, Code of 1881, section 331, chapter 249, Laws of 1909 and RCW 9.44.020; repealing section 332, chapter 249, Laws of 1909 and RCW 9.44.030; repealing section 57, page 85, Laws of 1854, section 63, page 194, Laws of 1873, section 854, Code of 1881, section 333, chapter 249, Laws of 1909 and RCW 9.44.040; repealing section 334, chapter 249, Laws of 1909 and RCW 9.44.050; repealing section 57, page 85, Laws of 1854, section 63, page 194, Laws of 1873, section 854, Code of 1881, section 335, chapter 249, Laws of 1909 and RCW 9.44.060; repealing section 336, chapter 249, Laws of 1909 and RCW 9.44.070; repealing section 122, chapter 249, Laws of 1909 and RCW 9.45.010; repealing section 219, chapter 249, Laws of 1909 and RCW 9.45.030; repealing section 375, chapter 249, Laws of 1909 and RCW 9.45.050; repealing section 1, page 99, Laws of 1890 and RCW 9.45.200; repealing section 45, page 83, Laws of 1854, section 50, page 190, Laws of 1873, section 830, Code of 1881, section 349, chapter 249, Laws of 1909, section 3, chapter 165, Laws of 1915 and RCW 9.54.010; repealing section 1, chapter 155, Laws of 1915, section 1, chapter 64, Laws of 1919 and RCW 9.54.020; repealing section 1, chapter 60, Laws of 1917, section 1, chapter 124, Laws of 1974 ex. sess. and RCW 9.54.030; repealing section 2, chapter 60, Laws of 1917 and RCW 9.54.040; repealing section 1, chapter 156, Laws of 1915 and RCW 9.54.050; repealing section 350, chapter 249, Laws of 1909 and RCW 9.54.060; repealing section 351, chapter 249, Laws of 1909 and RCW 9.54.070; repealing section 352, chapter 249, Laws of 1909 and RCW 9.54.080; repealing section 353, chapter 249, Laws of 1909, section 1, chapter 97, Laws of 1955 and RCW 9.54.090; repealing section 354, chapter 249, Laws of 1909 and RCW 9.54.100; repealing section 355, chapter 249, Laws of 1909 and RCW 9.54.110; repealing section 1, chapter 63, Laws of 1961 and RCW 9.54.115; repealing section 356, chapter 249, Laws of 1909 and RCW 9.54.120; repealing section 1, chapter 32, Laws of 1965 and RCW 9.54.140; repealing section 1, chapter 111, Laws of 1899, section 1, chapter 112, Laws of 1903, section 404, chapter 249, Laws of 1909, section 2, chapter 152, Laws of 1971 ex. sess. and RCW 9.61.010; repealing section 1, chapter 64, Laws of 1893, section 1, chapter 41, Laws of 1897, section 405, chapter 249, Laws of 1909, section 3, chapter 152, Laws of 1971 ex. sess. and RCW 9.61.020; repealing section 16, chapter 69, Laws of 1891, section 406, chapter 249, Laws of 1909, section 4, chapter 152, Laws of 1971 ex. sess. and RCW 9.61.030; repealing section 1, page 30, Laws of 1862, section 1, page 300, Laws of 1877, sections 842, 843, 847, 848, 1224, Code of 1881, section 5, page 126, Laws of 1890, section 11, page 122, Laws of 1890, section 10, page 127, Laws of 1890, sections 4, 8, 11, 12, 13, 14, 16, 17, chapter 69, Laws of 1891, section 1, chapter 83, Laws of 1897, section 407, chapter 249, Laws of 1909, section 5, chapter 152, Laws of 1971 ex. sess. and RCW 9.61.040; repealing section 408, chapter 249, Laws of 1909, section 6, chapter 152, Laws of 1971 ex. sess. and RCW 9.61.050; repealing section 414, chapter 249, Laws of 1909 and RCW 9.61.060; repealing section 415, chapter 249, Laws of 1909, section 1, chapter 152, Laws of 1971 ex. sess. and RCW 9.61.070; repealing section 2, page 71, Laws of 1883, section 17, chapter 69, Laws of 1891 and RCW 9.61.080; repealing section 1, chapter 114, Laws of 1899, section 7, chapter 152, Laws of 1971 ex. sess. and RCW 9.61.090; repealing section 2, chapter 114, Laws of 1899 and RCW 9.61.100; repealing section 3, chapter 114, Laws of 1899 and RCW 9.61.110; repealing section 1, chapter 133, Laws of 1963 and RCW 9.61.220; repealing section 1, chapter 17, Laws of 1901, section 111, chapter 249, Laws of 1909, section 1, chapter 56, Laws of 1969 ex. sess. and RCW 9.69.080; repealing section 69, page 88, Laws of 1854, section 69, page 118, Laws of 1859, section 79, page 199, Laws of 1873, section 867, Code of 1881, section 99, chapter 249, Laws of 1909, section 1, chapter 46, Laws of 1957 and RCW 9.72.010; repealing section 870, Code of 1881, section 100, chapter 249, Laws of 1909 and RCW 9.72.020; repealing section 868, Code of 1881, section 102, chapter 249, Laws of 1909 and RCW 9.72.040; repealing section 869, Code of 1881, section 103, chapter 249, Laws of 1909 and RCW 9.72.050; repealing section 872, Code of 1881, section 104,

chapter 249, Laws of 1909, section 2, chapter 46, Laws of 1957 and RCW 9.72.060; repealing section 873, Code of 1881, section 105, chapter 249, Laws of 1909 and RCW 9.72.070; repealing section 81, page 199,* Laws of 1873, section 876, Code of 1881, section 108, chapter 249, Laws of 1909 and RCW 9.72.100; repealing section 71, page 89, Laws of 1854, section 77, page 216, Laws of 1869, section 81, page 199, Laws of 1873, section 877, Code of 1881, section 109, chapter 249, Laws of 1909 and RCW 9.72.110; repealing sections 3 and 4, page 81, Laws of 1854, section 36, page 204, Laws of 1869, section 38, page 187, Laws of 1873, section 829, Code of 1881, section 166, chapter 249, Laws of 1909 and RCW 9.75.010; repealing section 399, chapter 249, Laws of 1909 and RCW 9.75.020; repealing section 1, chapter 229, Laws of 1959, section 1, chapter 76, Laws of 1967 and RCW 9.78.010; repealing section 2, chapter 229, Laws of 1959 and RCW 9.78.020; repealing section 4, chapter 229, Laws of 1959 and RCW 9.78.040; repealing section 412, chapter 249, Laws of 1909 and RCW 9.83.010; repealing section 1, chapter 128, Laws of 1913 and RCW 9.83.020; repealing section 2, chapter 128, Laws of 1913 and RCW 9.83.030; repealing section 3, chapter 128, Laws of 1913 and RCW 9.83.040; repealing section 4, chapter 128, Laws of 1913 and RCW 9.83.050; repealing section 1, page 124, Laws of 1890, section 413, chapter 249, Laws of 1909, section 1, chapter 139, Laws of 1913 and RCW 9.83.060; repealing section 64, page 212, Laws of 1869, section 67, page 195, Laws of 1873 and RCW 9.83.070; repealing section 1, chapter 7, Laws of 1969 and RCW 9.83.080; defining crimes; prescribing penalties; and prescribing an effective date.

Referred to Judiciary Committee.

SENATE BILL NO. 2231, by Senators Walgren, Bottiger, Sellar and Mardesich:

An Act relating to utilities and energy; creating new sections; providing penalties; adding a new chapter to Title 43 RCW; repealing section 1, chapter 29, Laws of 1973 2nd ex. sess. and RCW 43.21D.010; repealing section 2, chapter 29, Laws of 1973 2nd ex. sess. and RCW 43.21D.020; repealing section 3, chapter 29, Laws of 1973 2nd ex. sess. and RCW 43.21D.030; repealing section 4, chapter 29, Laws of 1973 2nd ex. sess. and RCW 43.21D.040; repealing section 5, chapter 29, Laws of 1973 2nd ex. sess. and RCW 43.21D.050; repealing section 6, chapter 29, Laws of 1973 2nd ex. sess. and RCW 43.21D.060; repealing section 7, chapter 29, Laws of 1973 2nd ex. sess. and RCW 43.21D.070; repealing section 8, chapter 29, Laws of 1973 2nd ex. sess. and RCW 43.21D.080; repealing section 9, chapter 29, Laws of 1973 2nd ex. sess. and RCW 43.21D.090; repealing section 10, chapter 29, Laws of 1973 2nd ex. sess. and RCW 43.21D.095; repealing section 12, chapter 29, Laws of 1973 2nd ex. sess. and RCW 43.21D.910; making an appropriation; and declaring an emergency.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 2232, by Senator Francis:

An Act relating to juvenile courts; amending section 5, chapter 126, Laws of 1913 as last amended by section 1, chapter 111, Laws of 1972 ex. sess. and RCW 2.32.240; amending section 2, chapter 133, Laws of 1965 as last amended by section 2, chapter 111, Laws of 1972 ex. sess. and RCW 10.01.112; amending section 2, chapter 165, Laws of 1969 ex. sess. and RCW 13.06.020; amending section 2, chapter 13, Laws of 1965 as amended by section 2, chapter 35, Laws of 1969 ex. sess. and RCW 26.44.020; amending section 5, chapter 13, Laws of 1965 as last amended by section 15, chapter 302, Laws of 1971 ex. sess. and RCW 26.44.050; amending section 10, chapter 167, Laws of 1967 as last amended by section 45, chapter 292, Laws of 1971 ex. sess. and RCW 46.20.293; adding a new chapter to Title 13 RCW; recodifying section 13, chapter 160, Laws of 1913 as amended by section 1, chapter 121, Laws of 1945 and RCW 13.04.135; recodifying section 18, chapter 160, Laws of 1913 and RCW 13.04.180; repealing section 1, chapter 160, Laws of 1913, section 1, chapter 302, Laws of 1961 and RCW 13.04.010; repealing section 2, chapter 160, Laws of 1913, section 1, chapter 135, Laws of 1921, section 1, chapter 176, Laws of 1929, section 1, chapter 65, Laws of 1937 and RCW 13.04.030; repealing section 3, chapter 160, Laws of 1913, section 1, chapter 43, Laws of 1921, section 1, chapter 270, Laws of 1951, section 9, chapter 331, Laws of

1959 and RCW 13.04.040; repealing section 4, chapter 160, Laws of 1913 and RCW 13.04.050; repealing section 2, chapter 302, Laws of 1961, section 1, chapter 101, Laws of 1973 1st ex. sess. and RCW 13.04.053; repealing section 3, chapter 302, Laws of 1961 and RCW 13.04.056; repealing section 5, chapter 160, Laws of 1913 and RCW 13.04.060; repealing section 6, chapter 160, Laws of 1913 and RCW 13.04.070; repealing section 7, chapter 160, Laws of 1913, section 4, chapter 302, Laws of 1961 and RCW 13.04.080; repealing section 5, chapter 302, Laws of 1961 and RCW 13.04.091; repealing section 6, chapter 302, Laws of 1961, section 1, chapter 137, Laws of 1967 and RCW 13.04.095; repealing section 8, chapter 160, Laws of 1913, section 7, chapter 302, Laws of 1961, section 1, chapter 138, Laws of 1969 ex. sess. and RCW 13.04.100; repealing section 1, chapter 188, Laws of 1955, section 8, chapter 302, Laws of 1961 and RCW 13.04.105; repealing section 9, chapter 160, Laws of 1913 and RCW 13.04.110; repealing section 11, chapter 160, Laws of 1913 and RCW 13.04.115; repealing section 12, chapter 160, Laws of 1913, section 1, chapter 132, Laws of 1945, section 1, chapter 58, Laws of 1959 and RCW 13.04.120; repealing section 2, chapter 132, Laws of 1945 and RCW 13.04.130; repealing section 15, chapter 160, Laws of 1913 and RCW 13.04.150; repealing section 16, chapter 160, Laws of 1913 and RCW 13.04.160; repealing section 1, chapter 116, Laws of 1953 and RCW 13.04.170; repealing section 10, chapter 302, Laws of 1961 and RCW 13.04.190; repealing section 4, chapter 297, Laws of 1957, section 2, chapter 251, Laws of 1959, section 12, chapter 302, Laws of 1961 and RCW 13.04.200; repealing section 13, chapter 302, Laws of 1961 and RCW 13.04.210; repealing section 14, chapter 302, Laws of 1961, section 54, chapter 81, Laws of 1971 and RCW 13.04.220; repealing section 15, chapter 302, Laws of 1961 and RCW 13.04.230; repealing section 16, chapter 302, Laws of 1961 and RCW 13.04.240; repealing section 1, chapter 93, Laws of 1967 and RCW 13.04.250; defining crimes; prescribing penalties; and providing an effective date.

Referred to Judiciary Committee.

SENATE BILL NO. 2233, by Senators Marsh, Francis and Clarke:

An Act relating to domestic relations; amending section 4, chapter 157, Laws of 1973 1st ex. sess. and RCW 26.09.040; amending section 6, chapter 157, Laws of 1973 1st ex. sess. and RCW 26.09.060; and amending section 28, chapter 157, Laws of 1973 1st ex. sess. and RCW 26.09.280.

Referred to Judiciary Committee.

SENATE BILL NO. 2234, by Senators Stortini, Murray and Washington:

An Act relating to nonpartisan elections; amending section 2, chapter 10, Laws of 1970 ex. sess. as amended by section 7, chapter 21, Laws of 1973 2nd ex. sess. and RCW 29.21.180; and amending section 29.21.230, chapter 9, Laws of 1965 as last amended by section 9, chapter 21, Laws of 1973 2nd ex. sess. and RCW 29.21.230.

Referred to Committee on Constitution and Elections.

SENATE BILL NO. 2235, by Senators Talley, Jolly and Sellar:

An Act relating to certain public utility districts; and adding a new section to chapter 54.16 RCW.

Referred to Committee on Local Government.

MOTION

On motion of Senator Talley, the rules were suspended and Senators Jolly and Sellar were permitted as additional sponsors on Senate Bill No. 2235.

SENATE BILL NO. 2236, by Senators Grant and Scott:

An Act relating to the public disclosure commission; amending section 35, chapter 1, Laws of 1973 and RCW 42.17.350; amending section 36, chapter 1, Laws of 1973 and RCW 42.17.360; amending section 38, chapter 1, Laws of 1973 and RCW 42.17.380; and amending section 43.10.067, chapter 8, Laws of 1965 and RCW 43.10.067.

Referred to Committee on Constitution and Elections.

MOTION

On motion of Senator Grant, the rules were suspended and Senator Scott was permitted as an additional sponsor to Senate Bill No. 2236.

SENATE BILL NO. 2237, by Senators Walgren and Francis:

An Act relating to conservatorships for certain gravely disabled persons; adding a new chapter to Title 71 RCW; creating new sections; and providing an effective date.

Referred to Judiciary Committee.

SENATE BILL NO. 2238, by Senators Wilson, Sellar and Bailey:

An Act relating to local government; adding a new section to Title 36 RCW.

Referred to Committee on Local Government.

SENATE BILL NO. 2239, by Senators von Reichbauer and Morrison:

An Act relating to justices of the peace; repealing section 3, chapter 14, Laws of 1973 1st ex. sess. and RCW 3.34.065; and declaring an emergency.

Referred to Judiciary Committee.

SENATE BILL NO. 2240, by Senators Stortini and Lewis (Harry):

An Act relating to the state fire marshal; and adding a new section to chapter 79, Laws of 1947 and to chapter 48.48 RCW.

Referred to Committee on State Government.

SENATE BILL NO. 2241, by Senators Ridder, Marsh and Matson:

An Act relating to industrial insurance; and amending section 51.32.050, chapter 23, Laws of 1961 as last amended by section 96, chapter 154, Laws of 1973 1st ex. sess. and RCW 51.32.050.

Referred to Committee on Labor.

SENATE BILL NO. 2242, by Senators Henry and Marsh:

An Act relating to state government; amending section 43.97.020, chapter 8, Laws of 1965 and RCW 43.97.020; amending section 43.97.030, chapter 8, Laws of 1965 and RCW 43.97.030; amending section 43.97.040, chapter 8, Laws of 1965 and RCW 43.97.040; adding new sections to chapter 43.97 RCW; repealing section 43.97.050, chapter 8, Laws of 1965 and RCW 43.97.050; and declaring an emergency.

MOTION

On motion of Senator Mardesich, Senate Bill No. 2242 was referred to the Committee on State Government.

SENATE BILL NO. 2243, by Senators North and Francis (by Uniform Legislation Commission request):

An Act relating to parentage; amending section 2, chapter 131, Laws of 1959 and RCW 4.28.185; amending section 11.02.005, chapter 145, Laws of 1965 and RCW 11.02.005; amending section 11.04.081, chapter 145, Laws of 1965 and RCW 11.04.081; amending section 6, page 405, Laws of 1854 as last amended by section 2388, Code of 1881 and RCW 26.04.060; amending section 3, chapter 291, Laws of 1955 as amended by section 2, chapter 134, Laws of 1973 and RCW 26.32.030; amending section 4, chapter 291, Laws of 1955 as amended by section 3, chapter 134, Laws of 1973 and RCW 26.32.040; amending section 5, chapter 291, Laws of 1955 as amended by section 4, chapter 134, Laws of 1973 and RCW 26.32.050; amending section 7, chapter 291, Laws of 1955 and RCW 26.32.070; amending section 8, chapter 291, Laws of 1955 as amended by section 5, chapter 134, Laws of 1973 and RCW 26.32.080; amending section 6, chapter 134, Laws of 1973 and RCW 26.32.085; amending section 10, chapter 134, Laws of 1973 and RCW 26.32.300; amending section 11, chapter 134, Laws of 1973 and RCW 26.32.310; amending section 1, chapter 49, Laws of 1903 as amended by section 7, chapter 134, Laws of 1973 and RCW 26.37.010;

amending section 8, chapter 134, Laws of 1973 and RCW 26.37.015; amending section 51.32.005, chapter 23, Laws of 1961 as amended by section 2, chapter 77, Laws of 1969 ex. sess. and RCW 51.32.005; adding a new chapter to Title 26 RCW; repealing sections 1 through 8, chapter 203, Laws of 1919 and RCW 26.24.010 through 26.24.080; repealing section 9, chapter 203, Laws of 1919, section 1, chapter 29, Laws of 1973 and RCW 26.24.090; repealing sections 10 through 18, chapter 203, Laws of 1919 and RCW 26.24.100 through 26.24.180; repealing section 19, chapter 203, Laws of 1919, section 1, chapter 134, Laws of 1973 and RCW 26.24.190; repealing section 9, chapter 134, Laws of 1973 and RCW 26.28.110; and providing an effective date.

Referred to Judiciary Committee.

SENATE BILL NO. 2244, by Senators Knoblauch, Guess, Rasmussen and Beck:

An Act relating to motor vehicles; amending section 38, chapter 155, Laws of 1965 ex. sess. as amended by section 1, chapter 38, Laws of 1972 ex. sess. and RCW 46.61.255; and providing penalties.

MOTION

On motion of Senator Mardesich, Senate Bill No. 2244 was referred to the Judiciary Committee.

MOTION

On motion of Senator Knoblauch, the rules were suspended and Senator Beck was permitted as an additional sponsor to Senate Bill No. 2244.

SENATE BILL NO. 2245, by Senators Cunningham and Goltz:

An Act relating to higher education; amending section 28B.10.550, chapter 223, Laws of 1969 ex. sess. and RCW 28B.10.550; and amending section 28B.10.560, chapter 223, Laws of 1969 ex. sess. and RCW 28B.10.560.

Referred to Committee on Higher Education.

SENATE BILL NO. 2246, by Senators Guess, Odegaard, Goltz and Benitz:

An Act relating to higher education; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.15 RCW; creating new sections; and declaring an emergency.

Referred to Committee on Higher Education.

There being no objection, the rules were suspended and additional sponsors were permitted on the following Senate Bills: 2221, 2223, 2231 and 2246.

INTRODUCTION AND FIRST READING

SENATE JOINT RESOLUTION NO. 104, by Senator Grant:

Amending the Constitution to permit precinct committeepersons to nominate persons for vacant offices.

Referred to Committee on Constitution and Elections.

MOTIONS

On motion of Senator Mardesich, the Notices of Consideration by Senators Washington, Scott and Mardesich on Wednesday, January 15, 1975 to consider Senate Rules was ordered placed for consideration on Friday, January 24, 1975.

MOTION

At 11:25 a.m., on motion of Senator Mardesich, the Senate adjourned until 11:00 a.m., Friday, January 24, 1975.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

TWELFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, January 24, 1975.

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 Keefe. On motion of Senator Knoblauch, Senator Keefe was excused.

The Color Guard, consisting of Pages Kim McNeal and Joey Noegel, presented the Colors. Father Jean Chapman, associate pastor of St. Michael's Church of Olympia, offered the following prayer:

"HEAVENLY FATHER, WE ASK YOUR BLESSINGS ON THE MEN AND WOMEN GATHERED HERE TODAY. THEY HAVE ACCEPTED A HEAVY RESPONSIBILITY IN THE LEADERSHIP OF OUR STATE. THEY ARE PULLED THIS WAY AND THAT BY PERSONAL INTEREST GROUPS, AS THEY STRIVE TO SERVE ALL THE PEOPLE OF OUR STATE. AND SO WE ASK, PLEASE GUIDE THEIR HEARTS AND MINDS AS THEY STUDY, WORK AND MAKE DECISIONS, SO THAT THEY MAY MAKE OUR COUNTRY A BETTER PLACE TO LIVE IN BY MAKING THIS GREAT STATE A BETTER PLACE TO LIVE IN. THANK YOU FATHER, THANK YOU."

MOTION

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

REPORTS OF STANDING COMMITTEES

January 23, 1975.

SENATE BILL NO. 2011, changing certain school holidays to conform with state holidays (reported by Committee on Education):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Stortini, Chairman; Francis, Gould, McDermott, von Reichbauer.

Passed to Committee on Rules for second reading.

January 23, 1975.

SENATE BILL NO. 2019, changing Viet Nam veterans' bonus laws (reported by Committee on Rules):

MAJORITY recommendation: That the bill be referred to the Committee on Ways and Means.

Signed by: Lieutenant Governor Cherberg, Chairman; Senators Bailey, Bottiger, Clarke, Guess, Henry, Herr, Lewis (Harry), Marsh, Matson, Newschwander, Talley.

Referred to Committee on Ways and Means.

January 23, 1975.

SENATE BILL NO. 2049, providing for controls of election results for state board of education and for resolving tie when same results following school election for board (reported by Committee on Education):

Recommendation: Do pass.

Signed by: Senators Stortini, Chairman; Francis, Gould, McDermott, Murray, Newschwander, von Reichbauer.

Passed to Committee on Rules for second reading.

January 22, 1975.

SENATE BILL NO. 2147, controlling the use of pesticides (reported by Committee on Agriculture):

Recommendation: Do pass as amended.

Signed by: Senators Jolly, Chairman; Benitz, Day, Sellar, Wilson.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE HOUSE

January 23, 1975.

Mr. President: The House has passed:

SUBSTITUTE HOUSE BILL NO. 37,

HOUSE BILL NO. 38,

ENGROSSED HOUSE BILL NO. 95,

HOUSE JOINT RESOLUTION NO. 5, and the same are herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

INTRODUCTION AND FIRST READING

SENATE BILL NO. 2247, by Senators Francis and Grant:

An Act relating to teachers' retirement; amending section 4, chapter 80, Laws of 1947 and RCW 41.32.040; amending section 5, chapter 80, Laws of 1947 and RCW 41.32.050; 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; and adding a new section to chapter 41.32 RCW.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2248, by Senators Francis, von Reichbauer and Gould:

An Act relating to the funding of education; amending section 2, chapter 46, Laws of 1973 as last amended by section 1, chapter 4, Laws of 1973 2nd ex. sess. and RCW 28A.41.130; creating new sections; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.41 RCW; making an appropriation; declaring an emergency; and making an effective date.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2249, by Senators Woody, Clarke and Walgren (by State Treasurer request):

An Act relating to public depositories; amending section 1, chapter 193, Laws of 1969 ex. sess. as amended by section 9, chapter 126, Laws of 1973 and RCW 39.58.010; amending section 4, chapter 193, Laws of 1969 ex. sess. and RCW 39.58.040; amending section 5, chapter 193, Laws of 1969 ex. sess. as amended by section 11, chapter 126, Laws of 1973 and RCW 39.58.050; amending section 43.85.010, chapter 8, Laws of 1965 as last amended by section 15, chapter 126, Laws of 1973 and RCW 43.85.010; and adding new sections to chapter 39.58 RCW.

Referred to Committee on Financial Institutions.

SENATE BILL NO. 2250, by Senators Francis and Clarke:

An Act relating to cities and towns; amending section 39, chapter 299, Laws of 1961 and RCW 3.46.050; amending section 100, chapter 299, Laws of 1961 as last amended by section 6, chapter 149, Laws of 1974 ex. sess. and RCW 3.28.010; amending section 35.20.010, chapter 7, Laws of 1965 and RCW 35.20.010; amending section 35.20.900, chapter 7, Laws of 1965 and RCW 35.20.900; amending section 13, chapter 274, Laws of 1947 as last amended by section 2, chapter 195, Laws of 1974 ex. sess. and RCW 41.40.120; creating new sections; adding a new section to chapter 35.21 RCW; and declaring an emergency.

Referred to Committee on Local Government.

SENATE BILL NO. 2251, by Senators Grant and Washington:

An Act relating to certain public officials; and amending section 24, chapter 1, Laws of 1973 and RCW 42.17.240.

Referred to Committee on Constitution and Elections.

SENATE BILL NO. 2252, by Senators Henry, Wanamaker, Guess and Stortini (by Department of Highways request):

An Act relating to state highways; amending section 18, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.085; amending section 24, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.115; amending section 32, chapter 51, Laws of 1970 ex. sess. as amended by section 2, chapter 151, Laws of 1973 1st ex. sess. and RCW 47.17.155; amending section 61, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.300; amending section 64, chapter 51, Laws of 1970 ex. sess. as amended by section 7, chapter 73, Laws of 1971 ex. sess. and RCW 47.17.315; amending section 131, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.650; amending section 169, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.840; amending section 2, chapter 85, Laws of 1967 ex. sess. as last amended by section 10, chapter 151, Laws of 1973 1st ex. sess. and RCW 47.39.020; amending section 4, chapter 138, Laws of 1974 ex. sess. and RCW 47.42.140; adding new sections to chapter 51, Laws of 1970 ex. sess. and to chapter 49.17 RCW; repealing section 42, chapter 51, Laws of 1970 ex. sess., section 4, chapter 73, Laws of 1971 ex. sess. and RCW 47.17.205; repealing section 54, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.265; repealing section 115, chapter 51, Laws of 1970 ex. sess. and RCW 47.17.570; and repealing section 148, chapter 51, Laws of 1970 ex. sess., section 15, chapter 151, Laws of 1973 1st ex. sess. and RCW 47.17.735.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 2253, by Senator Day (by Department of Social and Health Services request):

An Act relating to nursing homes; amending section 4, chapter 57, Laws of 1970 ex. sess. and RCW 18.52.040; and providing an effective date.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2254, by Senators Walgren and Donohue:

An Act relating to social and health services facilities; amending section 4, chapter

130, Laws of 1972 ex. sess. and RCW 43.83D.040; and amending section 5, chapter 130, Laws of 1972 ex. sess. and RCW 43.83D.050.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2255, by Senators Bottiger, Jolly and Marsh:

An Act relating to fire protection; and adding a new section to chapter 52.36 RCW.
Referred to Committee on Local Government.

SENATE BILL NO. 2256, by Senators Francis, Clarke and Woody:

An Act relating to the judiciary; amending section 2, chapter 40, Laws of 1963 and RCW 2.04.250; and amending section 11, page 343, Laws of 1890 as last amended by section 6, chapter 81, Laws of 1971 and RCW 2.08.180.

Referred to Judiciary Committee.

SENATE BILL NO. 2257, by Senators Rasmussen, Marsh and Day:

An Act relating to revenue and taxation; and amending section 1, chapter 182, Laws of 1974 ex. sess. and RCW 4.36.381.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2258, by Senators Walgren, Odegaard, Washington and Gould:

An Act relating to the screening of certain school children in order to identify any of such children with specific learning disabilities; adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.03 RCW; and creating a new section.

Referred to Committee on Education.

SENATE BILL NO. 2259, by Senators Marsh, Woody, Jones, Rasmussen and Stortini:

An Act relating to employee benefit plans; amending section 1, chapter 307, Laws of 1927 and RCW 49.52.010; amending section 2, chapter 307, Laws of 1927 and RCW 49.52.020; amending section 1, chapter 24, Laws of 1893 as last amended by section 2, chapter 94, Laws of 1971 ex. sess. and RCW 60.04.010; amending section 3, chapter 24, Laws of 1893 as last amended by section 3, chapter 94, Laws of 1971 ex. sess. and RCW 60.04.040; amending section 4, chapter 24, Laws of 1893 as amended by section 4, chapter 279, Laws of 1959 and RCW 60.04.050; amending section 5, chapter 24, Laws of 1893 as last amended by section 1, chapter 94, Laws of 1971 ex. sess. and RCW 60.04.060; amending section 1, chapter 217, Laws of 1949 as amended by section 7, chapter 279, Laws of 1959 and RCW 60.04.067; amending section 10, chapter 24, Laws of 1893 as amended by section 9, chapter 279, Laws of 1959 and RCW 60.04.110; amending section 12, chapter 24, Laws of 1893 as last amended by section 129, chapter 81, Laws of 1971 and RCW 60.04.130; and amending section 2, chapter 47, Laws of 1973 1st ex. sess. and RCW 60.04.210.

Referred to Committee on Labor.

SENATE BILL NO. 2260, by Senators Rasmussen, Woody and Day (by Lieutenant Governor request):

An Act relating to real property; and adding a new section to chapter 61.16 RCW.
Referred to Committee on State Government.

SENATE BILL NO. 2261, by Senators Rasmussen and McDermott:

An Act relating to the state canal commission; and making an appropriation.
Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 2262, by Senator Woody (by Court Administrator request):

An Act relating to the judiciary; and adding a new section to chapter 3.38 RCW.
Referred to Judiciary Committee.

SENATE BILL NO. 2263, by Senators Mardesich, Bailey, Matson, Benitz and Talley:

An Act relating to higher education; providing for the collective bargaining rights of certain employees of the state system of community colleges; adding new sections to chapter 223, Laws of 1969 ex. sess. and to Title 28B. RCW as a new chapter thereof; creating new sections; repealing section 1, chapter 196, Laws of 1971 ex. sess. and RCW 28B.52.010; repealing section 2, chapter 196, Laws of 1971 ex. sess., section 1, chapter 205, Laws of 1973 1st ex. sess. and RCW 28B.52.020; repealing section 4, chapter 205, Laws of 1973 1st ex. sess. and RCW 28B.52.035; repealing section 3, chapter 196, Laws of 1971 ex. sess., section 2, chapter 205, Laws of 1973 1st ex. sess. and RCW 28B.52.030; repealing section 4, chapter 196, Laws of 1971 ex. sess. and RCW 28B.52.050; repealing section 5, chapter 196, Laws of 1971 ex. sess., section 3, chapter 205, Laws of 1973 1st ex. sess. and RCW 28B.52.060; repealing section 6, chapter 196, Laws of 1971 ex. sess. and RCW 28B.52.070; repealing section 7, chapter 196, Laws of 1971 ex. sess., section 5, chapter 205, Laws of 1973 1st ex. sess. and RCW 28B.52.080; repealing section 8, chapter 196, Laws of 1971 ex. sess. and RCW 28B.52.090; repealing section 9, chapter 196, Laws of 1971 ex. sess. and RCW 28B.52.100; repealing section 6, chapter 205, Laws of 1973 1st ex. sess. and RCW 28B.52.200; declaring an emergency and establishing an effective date.

Referred to Committee on Higher Education.

SENATE BILL NO. 2264, by Senators Walgren and Bottiger:

An Act relating to energy facilities; amending section 11, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.110; amending section 12, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.120; amending section 13, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.130; amending section 15, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.150; amending section 1, chapter 110, Laws of 1974 ex. sess. and RCW 80.50.170; amending section 2, chapter 110, Laws of 1974 ex. sess. and RCW 80.50.175; adding new sections to chapter 80.50 RCW; repealing section 1, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.010; repealing section 2, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.020; repealing section 3, chapter 45, Laws of 1970 ex. sess., section 46, chapter 171, Laws of 1974 ex. sess. and RCW 80.50.030; repealing section 4, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.040; repealing section 5, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.050; repealing section 6, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.060; and repealing section 7, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.070.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 2265, by Senators Woody, Walgren and Bluechel:

An Act relating to alien banks; amending section 11, chapter 53, Laws of 1973 1st ex. sess. and RCW 30.42.110; amending section 12, chapter 53, Laws of 1973 1st ex. sess. and RCW 30.42.120; amending section 16, chapter 53, Laws of 1973 1st ex. sess. and RCW 30.42.160; and declaring an emergency.

Referred to Committee on Financial Institutions.

SENATE BILL NO. 2266, by Senators Woody, Walgren and Bluechel:

An Act relating to banks and trust companies; amending section 30.12.010, chapter 33, Laws of 1955 as last amended by section 8, chapter 136, Laws of 1969 and RCW 30.12.010; and declaring an emergency.

Referred to Committee on Financial Institutions.

There being no objection, the rules were suspended and additional sponsors were permitted on the following Senate bills: 2252, 2258, 2259 and 2263.

SUBSTITUTE HOUSE BILL NO. 37, by Committee on Constitution and Elections (originally sponsored by Representatives King, Fortson and Parker) (by Committee on Constitution and Elections of the forty-third legislature request):

Setting forth dates special elections may be called.
Referred to Committee on Constitution and Elections.

HOUSE BILL NO. 38, by Representatives King, Bender, Erickson and Gaines (by Committee on Constitution and Elections of the forty-third legislature request):
Implementing law relating to recall of public officials.
Referred to Committee on Constitution and Elections.

ENGROSSED HOUSE BILL NO. 95, by Representative Kilbury:
Adding a new chapter which revises all statutes relating to eggs and egg production.
Referred to Committee on Agriculture.

HOUSE JOINT RESOLUTION NO. 5, by Representatives King and Hayner (by Committee on Constitution and Elections of the forty-third legislature request):
Amending the Constitution to change the amendment process thereof.
Referred to Committee on Constitution and Elections.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of Senate Bill No. 2199.

INTRODUCTION AND FIRST READING

SENATE BILL NO. 2199, by Senators Mardesich, Bailey, Sandison, Newschwander, Lewis (Harry) and Matson:

An Act relating to the exemptions from the special coverage provisions of unemployment compensation; amending section 21, chapter 3, Laws of 1971 as amended by section 9, chapter 73, Laws of 1973 and RCW 50.44.040; and declaring an emergency.

MOTION

On motion of Senator Mardesich, the rules were suspended, Senate Bill No. 2199 was advanced to second reading and read the second time in full.

On motion of Senator Mardesich, the rules were suspended, Senate Bill No. 2199 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. 2199, and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—47.

Voting nay: Senator Grant—1.

Excused: Senator Keefe—1.

SENATE BILL NO. 2199, having received the 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 Mardesich, Senate Bill No. 2199 was ordered immediately transmitted to the House.

MOTION

On motion of Senator Mardesich, the Senate returned to the fourth order of business.

MESSAGES FROM THE HOUSE

January 23, 1975.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED HOUSE BILL NO. 117, and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

January 23, 1975.

Mr. President: The Speaker has signed HOUSE BILL NO. 117, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MESSAGE FROM THE HOUSE

January 23, 1975.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2033, with the following amendments:

Requiring an annual physical exam of participants in certain amateur athletic events.

On page 1, line 19, after "by any" strike "high" and insert "[high] common".

On page 1, line 23, after "in any" strike "high" and insert "[high] common".

On page 2, line 1, beginning with "shall be" strike all material down to and including "and that" on line 3, and insert "*, prior to engaging in any such contest or match, shall be examined [within eight hours prior to the contest] by a practicing physician [and that] at least once in each calendar year or, where such contest is conducted by a common school, college or university as further described in this section, once in each academic year in which instance such physician shall also designate the maximum and minimum weight at which such contestant shall be medically certified to participate: AND PROVIDED FURTHER, That no contestant shall be permitted to participate in any such boxing contest, sparring or wrestling match or exhibition in any weight classification other than that or those for which he is certificated: AND PROVIDED FURTHER, That*", and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

MOTION

On motion of Senator Stortini, the Senate concurred in the House amendments to Engrossed Senate Bill No. 2033.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2033, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—48.

Excused: Senator Keefe—1.

ENGROSSED SENATE BILL NO. 2033, 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. 117.

CONFIRMATION OF GUBERNATORIAL APPOINTMENTS

On motion of Senator Walgren, the appointment of DON L. BELL as a member of the Washington State Aeronautics Commission was confirmed.

APPOINTMENT OF DON L. BELL

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—48.

Excused: Senator Keefe—1.

MOTION

On motion of Senator Walgren, the appointment of ROBERT FELTHOUS as a member of the Washington State Aeronautics Commission was confirmed.

APPOINTMENT OF ROBERT FELTHOUS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—48.

Excused: Senator Keefe—1.

MOTION

On motion of Senator Sandison, the appointment of DONALD K. MORFORD as a member of the Washington State Board for Community College Education was confirmed.

APPOINTMENT OF DONALD K. MORFORD

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—48.

Excused: Senator Keefe—1.

MOTION

On motion of Senator Sandison, the appointment of LOUIS SORIANO as a member of the Washington State Board for Community College Education was confirmed.

APPOINTMENT OF LOUIS SORIANO

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 Bailey, Beck, Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—47.

Absent or not voting: Senator Bottiger—1.

Excused: Senator Keefe—1.

MOTION

On motion of Senator Sandison, the appointment of JEAN H. LUDWICK as a member of the Washington State Board for Community College Education was confirmed.

APPOINTMENT OF JEAN H. LUDWICK

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—48.

Excused: Senator Keefe—1.

MOTION

On motion of Senator Sandison, the appointment of ROBERT M. HUMPHREY as a member of the Washington State Council on Higher Education was confirmed.

APPOINTMENT OF ROBERT M. HUMPHREY

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—48.

Excused: Senator Keefe—1.

MOTION

On motion of Senator Lewis (R. H. "Bob"), Senator Murray was excused.

MOTION

On motion of Senator Walgren, the appointment of HOWARD SORENSON as a member of the Washington State Highway Commission was confirmed.

APPOINTMENT OF HOWARD SORENSON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—47.

Excused: Senators Keefe, Murray—2.

MOTION

On motion of Senator Walgren, the appointment of VIRGINIA GUNBY as a member of the Washington State Highway Commission was confirmed.

APPOINTMENT OF VIRGINIA GUNBY

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—47.

Excused: Senators Keefe, Murray—2.

MOTION

On motion of Senator Lewis (Harry), the appointment of HERBERT HADLEY as a member of the Board of Trustees of The Evergreen State College was confirmed.

APPOINTMENT OF HERBERT HADLEY

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 Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—47.

Absent or not voting: Senator Fleming—1.

Excused: Senators Keefe, Murray—2.

MOTION

On motion of Senator Sandison, the appointment of HALVOR HALVORSON as a member of the Board of Trustees of The Evergreen State College was confirmed.

APPOINTMENT OF HALVOR HALVORSON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—47.

Excused: Senators Keefe, Murray—2.

MOTION

On motion of Senator Sandison, the appointment of ARK G. CHIN as a member of the Board of Trustees of Western Washington State College was confirmed.

APPOINTMENT OF ARK G. CHIN

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 Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—46.

Absent or not voting: Senator Goltz—1.

Excused: Senators Keefe, Murray—2.

EXPLANATION OF ABSTAINING FROM VOTING

January 24, 1975.

For the record, I would like to state my reason for abstaining from voting January 24, 1975 on the confirmation of the Gubernatorial Appointment of Ark G. Chin as a member of the Board of Trustees of Western Washington State College.

I did so to avoid any possibility of a conflict of interest with respect to our common association with Western Washington State College. Had I felt free to vote on this appointment, I would gladly have voted in favor of confirmation because I have great respect for Mr. Chin and his ability and willingness to serve the public as a college trustee.

Signed: Senator H. A. "Barney" Goltz.

SIGNED BY THE PRESIDENT

The President signed:
SENATE BILL NO. 2033.

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

MESSAGE FROM THE HOUSE

January 25, 1975.

Mr. President: The Speaker has signed SENATE BILL NO. 2033, and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

MOTION

On motion of Senator Mardesich, the Senate advanced to the eighth order of business to consider amendments to Senate Rules which were adopted, as amended, on Wednesday, January 15, 1975.

MOTION

On motion of Senator Washington, the following amendment by Senators Washington, Wilson, Grant, Knoblauch, von Reichbauer and McDermott was adopted:

Amend Rule 45, page 9, as follows: Add the following section to Rule 45:

"DEFINITIONS

1. 'Measure' means a bill, joint memorial, or joint resolution.
2. 'Bill' when used alone means bill, joint memorial, or joint resolution."

MOTION

Senator Wilson moved adoption of the following amendment by Senators Wilson, Washington, Scott, Grant, Murray, Mardesich, Francis, Odegaard, Stortini, Bailey, Knoblauch, von Reichbauer, McDermott, Sellar and Fleming:

Amend Senate Rule 45, page 9, by adding the following section:

"NOTICE

At least five (5) 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 the written records of the meeting."

Debate ensued.

On motion of Senator Wilson, the following amendment to the amendment was adopted:

Amend the amendment adding a new section to Rule 45 entitled "Notice" as follows:

In the last sentence of the section, after "set forth in" strike "the written" and insert "a written statement to be preserved in the".

The motion by Senator Wilson carried and the amendment, as amended, was adopted.

MOTION

Senator Washington moved adoption of the following amendment by Senators Washington, Grant, Wilson, Odegaard, Stortini, Bailey, Knoblauch, McDermott and von Reichbauer:

Amend Senate Rule 45, page 10 by adding the following section:

"MINUTES

Written minutes shall be kept of the proceedings of each committee meeting. The minutes will include either the wording or a summary of amendments accepted or rejected. Such minutes shall constitute a public record, and shall be retained for the life of the legislature during which they were written".

Senator Washington moved adoption of the following amendment to the amendment:

In the second sentence of the amendment, after "of" and before "amendments" insert "substantive".

Debate ensued.

POINT OF INQUIRY

Senator Walgren: Would Senator Washington yield to a question? Is it your intent with this proposed amendment, that it would be up to the chairman to make the determi-

nation as to what is a 'substantive' amendment or is this subject to a vote of the committee to make a determination as to whether it is 'substantive' or not?

Senator Washington: "I think if the chairman were leaving out of the minutes those matters which were actually 'substantive' that the committee would probably be in a position to exercise some control and I think that with the chairmen and the committees we could certainly feel that you would not delete those amendments which really had debate and where there was disagreement."

Senator Walgren: "But in most cases it would be up to the chairman that would make this decision?"

Senator Washington: "I think it would, in most cases."

There being no objection, the amendment to the amendment by Senator Washington was withdrawn.

Further debate ensued.

Senator Mardesich moved that the amendment by Senators Washington, Grant, Wilson, Odegaard, Stortini, Bailey, Knoblauch, McDermott and von Reichbauer be laid upon the table.

Senator Washington demanded a roll call and the demand was sustained by Senators Bailey, Fleming, Lewis (Harry), Wilson, Grant, Van Hollebeke, McDermott, Goltz and von Reichbauer.

MOTION

On motion of Senator Knoblauch, Senator Woody was excused.

ROLL CALL

The Secretary called the roll and the amendment was laid upon the table by the following vote: Yeas, 35; nays, 11; excused, 3.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Francis, Gould, Guess, Henry, Herr, Jolly, Jones, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Newschwander, North, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Van Hollebeke, Walgren, Wanamaker—35.

Voting nay: Senators Fleming, Goltz, Grant, Knoblauch, McDermott, Morrison, Pullen, Talley, von Reichbauer, Washington, Wilson—11.

Excused: Senators Keefe, Murray, Woody—3.

The motion by Senator Mardesich carried and the amendment was laid upon the table.

Senator Washington moved adoption of the following amendment by Senators Washington, Wilson, Grant, Stortini, Knoblauch, McDermott and von Reichbauer:

Amend Senate Rule 45, page 10, by adding the following paragraph to "Voting in Committee"

"VOTING

No measure shall be reported out of committee, or be tabled except when a quorum is present and except on a motion adopted by a majority vote of the members present. No measure shall be indefinitely postponed except by a majority vote of the entire committee. Such votes shall be by roll call and the yeas and nays on the motion shall be recorded in the minutes."

On motion of Senator Washington, the following amendment to the amendment was adopted:

In the first sentence of the section after "be" and before "out", strike "reported" and insert "voted".

On motion of Senator Washington, the following amendment to the amendment was adopted:

In the last sentence of the section after "roll call" insert a period and strike the remainder of the sentence.

Debate ensued.

MOTIONS

On motion of Senator Lewis (R. H. "Bob"), Senator Clarke was excused.

Senator Day moved that the amendment, as amended, be laid upon the table.

Senator Washington demanded a roll call and the demand was sustained by Senators von Reichbauer, Knoblauch, Fleming, Wilson, McDermott, Grant, Goltz and Benitz.

ROLL CALL

The Secretary called the roll and the amendment, as amended, was laid upon the table by the following vote: Yeas, 32; nays, 13; excused, 4.

Voting yea: Senators Bailey, Beck, Bluechel, Bottiger, Buffington, Cunningham, Day, Donohue, Fleming, Francis, Guess, Henry, Herr, Jolly, Jones, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Newschwander, Odegaard, Peterson, Rasmussen, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, Walgren, Wana-maker—32.

Voting nay: Senators Benitz, Goltz, Gould, Grant, Knoblauch, McDermott, Morrison, North, Pullen, Ridder, von Reichbauer, Washington, Wilson—13.

Excused: Senators Clarke, Keefe, Murray, Woody—4.

The motion by Senator Day carried and the amendment, as amended, was laid upon the table.

Senator Washington moved adoption of the following amendment by Senators Washington, Wilson, Scott, Odegaard, Grant, Knoblauch, McDermott and von Reichbauer:

Amend Senate Rule 45, page 10, by adding the following section:

"SCHEDULING

It shall be the responsibility of the chairman to schedule measures for hearing and action by the committee: PROVIDED, HOWEVER, By a majority vote of the members of the entire committee any measure may be scheduled for hearing and/or action by the committee."

POINT OF INQUIRY

Senator Fleming: "Senator Washington, would you yield to a question? Senator Washington, so I can be perfectly clear about what I am going to vote on, the amendment that you are proposing now, says 'It shall be the responsibility of the chairman to schedule measures for hearing and action by the committee,' and then it goes on, 'providing.' Now in the next amendment you are saying the several committees shall fully consider and take action on all measures referred to them. Now what I am trying to find out is, what are we trying to do here? In this next amendment you are saying we have to hear those measures anyway, and then in this amendment you are saying if we do not bring them up, the majority of the committee can vote them. Now are you talking about the time in scheduling or are you talking about considering the bills themselves? I am confused here. It looks like you do not need both of these."

Senator Washington: "I do not expect to get both of them."

Senator Fleming: "Would you believe one?" But in all seriousness though — you are serious, aren't you — but would you sort of unconfuse me?"

Senator Washington: "I will attempt to do that, Senator Fleming. Let us say this scheduling just sits by itself and what it says, that at some time the members of the committee feel that a bill is not getting proper consideration, that they can bring up the motion early in the session so that that bill has some chance of passage. The next rule, amendment number seven at the bottom of the page, merely follows what we have done in many cases in the past at the end of the session. In fact, we used to do it a lot. We do not do it so much anymore. But you did have an indefinite postponement so that you definitely took action on a bill. You cleared the calendar of the committee of deadwood.

At the present time we are allowing a lot of it just to continue to accumulate. So number seven is completely different from the amendment number six on scheduling."

Senator Fleming: "Well it appears that way to me, Senator Washington, but in reality it looks like you are trying to say you are not too much worried about whether we get action on the bill. You want to make sure that the majority of the members can tell the chairman when to hear those bills."

Senator Washington: "Number seven goes even further than that. Although there is no time limit it would just automatically, whether the rest of the Senators wanted the matter brought up for consideration or not, you would indefinitely postpone at least those bills that are sitting on your calendar and you want to get rid of. Incidentally, when number seven comes up I will move to strike the word 'fully' so that there be no question of what full consideration is."

MOTIONS

Senator Francis moved that further consideration of the amendment to Senate Rules adding a new section on "Scheduling" be postponed until January 27 or 28, 1975.

On motion of Senator Mardesich and specifically clarifying the motion by Senator Francis, further consideration on adding a new section to Senate Rules was ordered held until Tuesday, January 28, 1975. There will be no further amendments to the rules accepted except those now on the Secretary's desk.

MOTION

At 1:12 p.m., on motion of Senator Mardesich, the Senate adjourned until 1:00 p.m., Monday, January 27, 1975.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

FIFTEENTH DAY

AFTERNOON SESSION

Senate Chamber, Olympia, Monday, January 27, 1975.

The Senate was called to order at 1:00 p.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Francis and Lewis (Harry). On motion of Senator Lewis (R. H. "Bob"), Senator Lewis (Harry) was excused. On motion of Senator Knoblauch, Senator Francis was excused.

The Color Guard, consisting of Pages Kathy Brown and Kim Lindman, presented the Colors. Reverend George Mitchell, pastor of the First Christian Church of Olympia, offered the following prayer:

"ETERNAL GOD, WE BEGIN THE WORK OF ANOTHER WEEK BY JOINING OUR HEARTS IN PRAYER, ASKING FOR UNDERSTANDING, FOR KNOWLEDGE BEYOND OUR OWN, AND FOR GUIDANCE IN DEALING WITH PROBLEMS BEYOND THE MEASURE OF OUR BEST WISDOM. IN THIS MOMENT MAY WE FIND THAT YOU ARE REACHING DOWN TO US AS WE SEEK YOU, AND MAY WE DISCOVER THAT WHEN WE ARE WILLING TO LISTEN, THEN YOU WILL SPEAK. MAY YOUR PRESENCE THEREFORE BE WITH EACH MEMBER OF THIS ASSEMBLY AND MAY YOUR WILL FIND ITS FULFILLMENT IN EVERYTHING THEY DO. AMEN."

MOTION

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

APPOINTMENT OF SPECIAL COMMITTEE

The President of the Senate appointed Senators Guess, Marsh, Scott and von Reichbauer as a committee of honor to escort Senators Cook and Whipple, members of the Senate from the state of Oregon, to the rostrum.

President Cherberg turned the gavel over to Senator Marsh.

With leave of the Senate, business was suspended to permit Senator Marsh to introduce the honored guests. With permission of the Senate, Senators Cook and Whipple addressed the Senate.

Senator Marsh returned the gavel to President Cherberg.

The Committee of Honor escorted the honored guests from the Senate Chamber and the committee retired.

REPORTS OF STANDING COMMITTEES

January 24, 1975.

SENATE BILL NO. 2021, allowing cities and counties to set building permit fees (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Fleming, Chairman; Jolly, Lewis (R. H. "Bob") McDermott, North, Sellar, Wilson.

Passed to Committee on Rules for second reading.

January 24, 1975.

SENATE BILL NO. 2041, requiring counties to retain an easement of right to

exercise and grant easements whenever a county road or any portion thereof is vacated (reported by Committee on Local Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Fleming, Chairman; Jolly, Lewis (R. H. "Bob"), McDermott, North, Sellar, Talley, Wilson.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENT

January 21, 1975.

CHRIS SMITH, to the position of member of the Pollution Control Hearings Board, appointed by the Governor on June 28, 1974 for the term ending July 1, 1980, succeeding Mary Ellen McCaffree (reported by the Committee on Ecology):

Recommends that said appointment be confirmed.

Signed by: Senators Washington, Chairman; Donohue, Goltz, Guess, Murray, North, Sandison.

Passed to Committee on Rules.

MESSAGE FROM THE HOUSE

January 24, 1975.

Mr. President: The House has passed:

ENGROSSED HOUSE BILL NO. 9,

ENGROSSED HOUSE BILL NO. 92, and the same are herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

INTRODUCTION AND FIRST READING

SENATE BILL NO. 2267, by Senators Rasmussen, Jones and Bailey (by State Treasurer request):

An Act relating to state government; adding a new section to chapter 4.92 RCW; and adding a new section to chapter 43.08 RCW.

Referred to Committee on State Government.

SENATE BILL NO. 2268, by Senators Rasmussen, Scott and Bailey (by State Treasurer request):

An Act relating to state government; and amending section 43.84.080, chapter 8, Laws of 1965 as last amended by section 1, chapter 16, Laws of 1971 and RCW 43.84.080.

Referred to Committee on State Government.

SENATE BILL NO. 2269, by Senators Rasmussen, Donohue and Jones (by State Treasurer request):

An Act relating to the world fair bond redemption fund; and amending section 43.31.525, chapter 8, Laws of 1965 and RCW 43.31.525.

Referred to Committee on State Government.

SENATE BILL NO. 2270; by Senator Fleming:

An Act relating to minority business purchasing; and adding new sections to chapter 8, Laws of 1965 and to chapter 43.19 RCW.

Referred to Committee on State Government.

SENATE BILL NO. 2271, by Senators Donohue, Newschwander, Sandison and Matson (by Superintendent of Public Instruction request):

An Act relating to state aid for school plant facilities; and amending section 4,

chapter 244, Laws of 1969 ex. sess. as amended by section 3, chapter 56, Laws of 1974 ex. sess. and RCW 28A.47.803.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2272, by Senators McDermott, North and Francis (by Department of Social and Health Services request):

An Act relating to adoptions; amending section 3, chapter 63, Laws of 1971 ex. sess. as amended by section 1, chapter 61, Laws of 1973 and RCW 74.13.106; and repealing section 16, chapter 63, Laws of 1971 ex. sess., section 2, chapter 61, Laws of 1973 and RCW 74.13.142.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2273, by Senators Talley, Lewis (Harry) and Morrison:

An Act relating to taxation; and adding a new section to chapter 15, Laws of 1961 and to chapter 84.36 RCW.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2274, by Senator Talley:

An Act relating to highways; making an appropriation; and declaring an emergency.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 2275, by Senators Morrison, Francis and Buffington:

An Act relating to jury summons in justice courts; and amending section 73, page 236, Laws of 1854 as last amended by section 4, page 119, Laws of 1888 and RCW 12.12.060.

Referred to Judiciary Committee.

SENATE BILL NO. 2276, by Senators Donohue, Odegaard, Woody, Morrison, Scott and Newschwander (by Legislative Budget Committee request):

An Act relating to fisheries; and amending section 75.08.230, chapter 12, Laws of 1955 as last amended by section 31, chapter 199, Laws of 1969 ex. sess. and RCW 75.08.230.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2277, by Senators Bottiger, Newschwander, Sandison, von Reichbauer and Goltz:

An Act relating to property taxes; and amending section 20, chapter 288, Laws of 1971 ex. sess. as amended by section 1, chapter 67, Laws of 1973 1st ex. sess. and RCW 84.55.010.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2278, by Senators Ridder, McDermott, Goltz and Francis (by Department of Social and Health Services request):

An Act relating to nursing homes; amending section 6, chapter 117, Laws of 1951 as last amended by section 2, chapter 247, Laws of 1971 ex. sess. and RCW 18.51.050; amending section 7, chapter 117, Laws of 1951 as amended by section 5, chapter 160, Laws of 1953 and RCW 18.51.060; adding new sections to chapter 18.51 RCW; repealing section 10, chapter 117, Laws of 1951, section 6, chapter 160, Laws of 1953 and RCW 18.51.090; repealing section 13, chapter 117, Laws of 1951, section 7, chapter 160, Laws of 1953 and RCW 18.51.120; repealing section 14, chapter 117, Laws of 1951, section 8, chapter 160, Laws of 1953 and RCW 18.51.130; and prescribing penalties.

Referred to Committee on Social and Health Services.

On motion of Senator Ridder, the rules were suspended and Senator Francis was permitted as an additional sponsor to Senate Bill No. 2278.

SENATE BILL NO. 2279, by Senators Ridder, North, Goltz, Bailey, Buffington, McDermott, Gould and Lewis (Harry):

An Act relating to state government; establishing the Washington state women's council; creating a new chapter in Title 43 RCW; declaring an emergency; and providing an effective date.

Referred to Committee on State Government.

SENATE BILL NO. 2280, by Senators Walgren, Bailey, North, Beck, Talley, Fleming, Sellar, Lewis (R. H. "Bob"), Ridder, Jolly, Goltz, Morrison, Gould, Day, Henry, Stortini and Wanamaker:

An Act relating to transportation; and amending section 2, chapter 296, Laws of 1971 ex. sess. and RCW 82.14.045.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 2281, by Senators Rasmussen and Lewis (Harry):

An Act relating to public employment; adding new sections to chapter 41.40 RCW; and declaring an emergency.

Referred to Committee on State Government.

SENATE BILL NO. 2282, by Senator Grant:

An Act relating to school district employees; and amending section 3, chapter 10, Laws of 1972 ex. sess. and RCW 28A.58.100.

Referred to Committee on Education.

SENATE BILL NO. 2283, by Senator Grant:

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 Labor.

SENATE BILL NO. 2284, by Senators Guess, Keefe, Rasmussen, Clarke and Peterson:

An Act relating to the law against discrimination; amending section 10, chapter 270, Laws of 1955 and RCW 49.60.140; amending section 11, chapter 270, Laws of 1955 and RCW 49.60.150; amending section 4, chapter 167, Laws of 1969 ex. sess. as amended by section 13, chapter 141, Laws of 1973 and RCW 49.60.222; amending section 7, chapter 167, Laws of 1969 ex. sess. as amended by section 14, chapter 141, Laws of 1973 and RCW 49.60.225; amending section 16, chapter 270, Laws of 1955 as amended by section 17, chapter 37, Laws of 1957 and RCW 49.60.240; adding a new section to chapter 49.60 RCW; repealing section 17, chapter 270, Laws of 1955, section 18, chapter 37, Laws of 1957 and RCW 49.60.250; repealing section 19, chapter 37, Laws of 1957 and RCW 49.60.255; repealing section 21, chapter 37, Laws of 1957, section 118, chapter 81, Laws of 1971 and RCW 49.60.260; repealing section 22, chapter 37, Laws of 1957 and RCW 49.60.270; and repealing section 23, chapter 37, Laws of 1957 and RCW 49.60.280.

Referred to Judiciary Committee.

SENATE BILL NO. 2285, by Senators Lewis (R. H. "Bob"), Guess, Murray and Sellar:

An Act relating to legal holidays; and amending section 1, chapter 51, Laws of 1927 as last amended by section 1, chapter 1, Laws of 1973 2nd ex. sess. and RCW 1.16.050.

Referred to Committee on State Government.

SENATE BILL NO. 2286, by Senators Goltz, Rasmussen and Grant:

An Act relating to banks; amending section 30.20.060, chapter 33, Laws of 1955 as last amended by section 3, chapter 280, Laws of 1961 and RCW 30.20.060; and amending section 32.12.090, chapter 13, Laws of 1955 as last amended by section 3, chapter 55, Laws of 1969 and RCW 32.12.090.

Referred to Committee on Financial Institutions.

SENATE BILL NO. 2287, by Senators Rasmussen, Stortini and Pullen:

An Act relating to fishing; adding new sections to chapter 75.12 RCW; repealing section 1, chapter 23, Laws of 1969 ex. sess. and RCW 75.12.650; and declaring an emergency.

Referred to Committee on Natural Resources.

SENATE BILL NO. 2288, by Senators Walgren and Sandison:

An Act relating to the ferry and bridge system; and amending section 47.64.010, chapter 13, Laws of 1961 and RCW 47.64.010.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 2289, by Senators Waigren, Peterson, Wanamaker and Beck:

An Act relating to public highways; amending section 47.60.015, chapter 13, Laws of 1961 and RCW 47.60.015; and declaring an emergency.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 2290, by Senators Day and Walgren:

An Act relating to criminal justice; adding new sections to chapter 36.01 RCW; and making an appropriation.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2291, by Senators Fleming, Francis and Grant:

An Act relating to education and certain school holidays; amending section 13, chapter 283, Laws of 1969 ex. sess. as amended by section 1, chapter 32, Laws of 1973 and RCW 28A.02.061; and adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.02 RCW.

Referred to Committee on Education.

SENATE BILL NO. 2292, by Senators Goltz, Gould and McDermott (by Superintendent of Public Instruction request):

An Act relating to professional personnel in school districts; amending section 28A.70.110, chapter 223, Laws of 1969 ex. sess. as amended by section 144, chapter 176, Laws of 1969 ex. sess. and RCW 28A.70.110; and amending section 28A.71.100, chapter 223, Laws of 1969 ex. sess. as last amended by section 31, chapter 282, Laws of 1971 ex. sess. and RCW 28A.71.100.

Referred to Committee on Education.

SENATE BILL NO. 2293, by Senators Francis and Goltz:

An Act relating to higher education; providing for the collective bargaining rights of certain employees of the state colleges and universities; creating new sections; and adding new sections to chapter 223, Laws of 1969 ex. sess. and to Title 28B RCW as a new chapter thereof.

Referred to Committee on Higher Education.

SENATE BILL NO. 2294, by Senators Day and Jones:

An Act relating to the board of prison terms and paroles; 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 12, chapter 133, Laws of 1955 and RCW 9.95.110; amending section 1, chapter 238, Laws of 1951 and RCW 9.95.115; adding a new section to chapter 9.95 RCW; and repealing section 8, chapter 133, Laws of 1955 and RCW 9.95.070.

Referred to Judiciary Committee.

SENATE BILL NO. 2295, by Senators Van Hollebeke, Mardesich and Woody:

An Act relating to state construction projects; and adding a new section to chapter 43.19 RCW.

Referred to Committee on Labor.

SENATE BILL NO. 2296, by Senators Gould, Walgren and Bluechel (by Executive request):

An Act relating to wild, scenic and recreational rivers; and adding new sections to chapter 43.21A RCW.

Referred to Committee on Ecology.

SENATE BILL NO. 2297, by Senators Goltz and Woody:

An Act relating to superior courts; and amending section 5, chapter 125, Laws of 1951 as last amended by section 2, chapter 27, Laws of 1973 1st ex. sess. and RCW 2.08.063.

Referred to Judiciary Committee.

SENATE BILL NO. 2298, by Senators Day, Buffington, Gould, North, McDermott and Bluechel (by Executive request):

An Act relating to prescription drugs; adding a new chapter to Title 18 RCW; and making an appropriation.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2299, by Senators Bailey, Lewis (Harry), Morrison and Van Hollebeke (by Department of Commerce and Economic Development request):

An Act relating to commerce and economic development; amending section 43.31.010, chapter 8, Laws of 1965 and RCW 43.31.010; amending section 43.31.160, chapter 8, Laws of 1965 and RCW 43.31.160; adding new sections to chapter 8, Laws of 1965 and to chapter 43.31 RCW; repealing section 43.31.040, chapter 8, Laws of 1965, section 2, chapter 10, Laws of 1965, section 2, chapter 221, Laws of 1967 and RCW 43.31.040; repealing section 43.31.050, chapter 8, Laws of 1965 and RCW 43.31.050; repealing section 43.31.060, chapter 8, Laws of 1965 and RCW 43.31.060; repealing section 43.31.070, chapter 8, Laws of 1965 and RCW 43.31.070; repealing section 43.31.170, chapter 8, Laws of 1965 and RCW 43.31.170; repealing section 43.31.180, chapter 8, Laws of 1965 and RCW 43.31.180; repealing section 1, chapter 8, Laws of 1965 and RCW 43.31.280; repealing section 3, chapter 8, Laws of 1965 and RCW 43.31.290; repealing section 5, chapter 8, Laws of 1965 and RCW 43.31.300; repealing section 1, chapter 221, Laws of 1967 and RCW 43.31.350; repealing section 3, chapter 221, Laws of 1967 and RCW 43.31.360; and repealing section 4, chapter 221, Laws of 1967 and RCW 43.31.370.

Referred to Committee on State Government.

SENATE BILL NO. 2300, by Senators Sandison and Rasmussen:

An Act relating to the Washington state board on geographic names; and amending section 2, chapter 178, Laws of 1973 1st ex. sess. and RCW 43.126.020.

Referred to Committee on State Government.

SENATE BILL NO. 2301, by Senators Matson, Donohue and Morrison:

An Act relating to unemployment compensation; amending section 78, chapter 35, Laws of 1945 as amended by section 6, chapter 158, Laws of 1973 1st ex. sess. and RCW 50.20.100; amending section 73, chapter 35, Laws of 1945 as last amended by section 21, chapter 2, Laws of 1970 ex. sess. and RCW 50.20.050; and adding a new section to chapter 50.20 RCW.

Referred to Committee on Labor.

SENATE BILL NO. 2302, by Senators Henry, Wanamaker and Morrison:

An Act relating to motor vehicles; and amending section 46.16.135; chapter 12,

Laws of 1961 as amended by section 7, chapter 170, Laws of 1969 ex. sess. and RCW 46.16.135.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 2303, by Senators Sandison and Guess:

An Act relating to personalized license plates; amending section 2, chapter 200, Laws of 1973 1st ex. sess. and RCW 46.16.560; amending section 3, chapter 200, Laws of 1973 1st ex. sess. and RCW 46.16.565; amending section 4, chapter 200, Laws of 1973 1st ex. sess. and RCW 46.16.570; amending section 8, chapter 200, Laws of 1973 1st ex. sess. and RCW 46.16.590; and amending section 9, chapter 200, Laws of 1973 1st ex. sess. and RCW 46.16.595.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 2304, by Senators Pullen and von Reichbauer (by Executive request):

An Act relating to state government; adding new sections to chapter 43.19 RCW; making an appropriation; and designating an effective date.

Referred to Committee on State Government.

SENATE JOINT MEMORIAL NO. 105, by Senators Bottiger, Morrison, Wanamaker, Beck and Walgren:

Requesting aid to states for highway maintenance and construction.

Referred to Committee on Transportation and Utilities.

SENATE JOINT MEMORIAL NO. 106, by Senators Guess, Henry, Wanamaker, Washington, Bottiger and Walgren:

Requesting federal executive and legislative action to exempt asphalt from excise or import tax.

Referred to Committee on Transportation and Utilities.

ENGROSSED HOUSE BILL NO. 9, by Representative Kilbury:

Increasing sheriff's civil fees.

Referred to Committee on Local Government.

ENGROSSED HOUSE BILL NO. 92, by Representatives Wojahn, Juelling, Curtis, Ceccarelli, Erickson and Gilleland (by request of Committee on Commerce of forty-third legislature):

Imposing liability for certain taking of merchandise.

Referred to Committee on Commerce.

There being no objection, the rules were suspended and additional sponsors were permitted on the following Senate Bills: 2271, 2276, 2277, 2278, 2280, 2284, 2285, 2289, 2298 and 2299; also Senate Joint Memorials 105 and 106.

MOTION

At 1:25 p.m., on motion of Senator Mardesich, the Senate adjourned until 11:00 a.m., Tuesday, January 28, 1975.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

SIXTEENTH DAY**MORNING SESSION**

Senate Chamber, Olympia, Tuesday, January 28, 1975.

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 Bottiger, Herr, Lewis (Harry) and Woody. On motion of Senator Knoblauch, Senator Woody was excused. On motion of Senator Lewis (R. H. "Bob"), Senator Lewis (Harry) was excused.

The Color Guard, consisting of Pages Debbie Bryant and Stephen Grant, presented the Colors. Reverend George M. Mitchell, pastor of the First Christian Church of Olympia, offered the following prayer:

"IN PRAYER WE COME TO YOU JUST NOW, O GOD, KNOWING THAT YOU ARE, AND HAVE BEEN, WITH US CONTINUOUSLY, EVEN WHEN WE HAVE NOT RECOGNIZED YOUR PRESENCE. AND SO WE SEEK YOUR SPECIAL BLESSING UPON EACH OF THESE SENATORS AS THEY THINK AND WORK TOGETHER HERE IN THIS CHAMBER, IN COMMITTEE MEETINGS, AND IN THEIR OFFICES. HELP THEM TO CONFRONT AND OVERCOME THE STRAINS AND TENSIONS OF THE ENDLESS DEMANDS PLACED UPON THEM BY CONSTITUENTS AND PRESSURE GROUPS, AND TO SEEK SOLUTIONS WHICH MEET THE NEEDS OF MANY RATHER THAN OF THE FEW. LOOK WITH COMPASSION UPON OUR HUMAN FRAILTIES, BUT DELIVER US FROM OUR OWN SELF-PITY. THROUGH CHRIST OUR LORD WE PRAY. AMEN."

MOTION

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

REPORTS OF STANDING COMMITTEES

January 27, 1975.

SENATE BILL NO. 2063, abolishing the state administrative board (reported by Committee on State Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Rasmussen, Chairman; Buffington, Day, Henry, Knoblauch, Wanamaker.

Passed to Committee on Rules for second reading.

January 23, 1975.

SENATE BILL NO. 2125, authorizing alteration of streams by riparian owners in cases of emergency (reported by Committee on Natural Resources):

MAJORITY recommendation: That Substitute Senate Bill No. 2125 be substituted therefor and the substitute bill do pass.

Signed by: Senators Peterson, Chairman; Beck, Rasmussen, Sandison, Talley.

MINORITY recommendation: That Substitute Senate Bill No. 2125 be substituted therefor and the substitute bill do not pass.

Signed by: Senator Bluechel.

Passed to Committee on Rules for second reading.

January 27, 1975.

SENATE BILL NO. 2127, expanding the definition of "construction project" for

PUD purposes (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass.

Signed by: Senators Walgren, Chairman; Beck, Benitz, Bluechel, Bottiger, Guess, Jolly, Knoblauch, Lewis (R. H. "Bob"), Morrison, Peterson, Sellar, Wanamaker.

Passed to Committee on Rules for second reading.

January 27, 1975.

SUBSTITUTE HOUSE BILL NO. 37, setting forth dates special elections may be called (reported by Committee on Constitution and Elections):

MAJORITY recommendation: Do pass.

Signed by: Senators Beck, Chairman; Grant, Lewis (R. H. "Bob"), Stortini, Washington.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENTS

January 23, 1975.

AXEL JULIN, to the position of member of the Forest Practices Appeals Board, appointed by the Governor on January 14, 1975 for the term ending January 1, 1981 (reported by the Committee on Natural Resources):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Peterson, Chairman; Beck, Bluechel, Grant, Pullen, Rasmussen, Sandison, Talley.

Passed to Committee on Rules.

January 23, 1975.

ROBERT SMART, to the position of member of the Forest Practices Appeals Board, appointed by the Governor on January 1, 1975 for the term ending January 1, 1977 (reported by the Committee on Natural Resources):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Peterson, Chairman; Beck, Bluechel, Grant, Pullen, Rasmussen, Sandison, Talley.

Passed to Committee on Rules.

January 23, 1975.

THOMAS O. WIMMER, to the position of member of the Forest Practices Appeals Board, appointed by the Governor on January 1, 1975 for the term ending January 1, 1979 (reported by the Committee on Natural Resources):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Peterson, Chairman; Beck, Bluechel, Grant, Pullen, Rasmussen, Sandison.

Passed to Committee on Rules.

MESSAGE FROM THE GOVERNOR

January 27, 1975.

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

LADIES AND GENTLEMEN:

I have the honor to advise that on January 27, 1975, Governor Evans approved the following Senate Bill, entitled:

SENATE BILL NO. 2033: Requiring an annual physical exam of participants in certain amateur athletic events.

Sincerely,
CHI-DOOH LI
Legal Counsel.

INTRODUCTION AND FIRST READING

SENATE BILL NO. 2305, by Senators Day, Buffington and Ridder:
An Act relating to public health; and adding new sections to chapter 70.01 RCW.
Referred to Committee on Social and Health Services.

SENATE BILL NO. 2306, by Senators Day and Jones.
An Act relating to usury; amending section 1, chapter 142, Laws of 1969 ex. sess. and RCW 72.30.020; amending section 2, chapter 97, Laws of 1970 ex. sess. and RCW 19.52.080; and declaring an emergency.
Referred to Committee on Financial Institutions.

SENATE BILL NO. 2307, by Senator Day (by Department of Social and Health Services request):
An Act relating to state government; amending section 1, chapter 18, Laws of 1967 ex. sess. and RCW 72.30.010; amending section 2, chapter 18, Laws of 1967 ex. sess. and RCW 72.30.020; amending section 5, chapter 18, Laws of 1967 ex. sess. and RCW 72.30.050; repealing section 3, chapter 18, Laws of 1967 ex. sess. and RCW 72.30.030; and repealing section 4, chapter 18, Laws of 1967 ex. sess. and RCW 72.30.040.
Referred to Committee on Social and Health Services.

SENATE BILL NO. 2308, by Senator Woody:
An Act relating to machine guns; and amending section 1, chapter 64, Laws of 1933 and RCW 9.41.190.
Referred to Judiciary Committee.

SENATE BILL NO. 2309, by Senator Marsh (by Department of Social and Health Services request):
An Act relating to federal areas and jurisdiction; and adding a new section to chapter 37.08 RCW.
Referred to Committee on Social and Health Services.

SENATE BILL NO. 2310, by Senator Woody:
An Act relating to savings and loan associations; and adding a new section to chapter 33.20 RCW.
Referred to Committee on Financial Institutions.

SENATE BILL NO. 2311, by Senators Donohue and Odegaard (by Department of Social and Health Services request):
An Act relating to state government; amending section 1, chapter 309, Laws of 1971 ex. sess. and RCW 43.20A.400; and amending section 3, chapter 309, Laws of 1971 ex. sess. and RCW 43.20A.410.
Referred to Committee on Social and Health Services.

SENATE BILL NO. 2312, by Senator Guess:
An Act relating to reports by employers of registered lobbyists; and repealing section 18, chapter 1, Laws of 1973 (Initiative Measure No. 276 § 18) and RCW 42.17.180.
Referred to Committee on Constitution and Elections.

SECOND READING

SENATE BILL NO. 2081, by Senators Walgren, Goltz and Talley:
Authorizing municipalities to purchase products and/or services from sheltered workshops.

The bill was read the second time by sections.

On motion of Senator Walgren the rules were suspended, Senate Bill No. 2081 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. 2081, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 2; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Jolly, Jones, Keefe, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—45.

Absent or not voting: Senators Bottiger, Herr—2.

Excused: Senators Lewis (Harry), Woody—2.

SENATE BILL NO. 2081, having received the 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 Mardesich, Senate Bill No. 2097 was ordered held for the second reading calendar for Wednesday, January 19, 1975.

On motion of Senator Guess, Senate Bill No. 2090 was ordered placed at the beginning of the second reading calendar for Friday, January 31, 1975.

SECOND READING

SENATE BILL NO. 2006, by Senators Henry, Beck, Talley, Stortini, Lewis (Harry), Knoblauch, Benitz, Goltz and Wanamaker:

Creating a state department of veterans affairs.

MOTIONS

On motion of Senator Rasmussen, Substitute Senate Bill No. 2006 was substituted for Senate Bill No. 2006, and the substitute bill was placed on second reading and read the second time in full.

Senator Marsh moved adoption of the following amendment:

On page 4, line 2, after the period add the following:

"Such proposed rules and regulations shall be submitted by the department at the time of filing notice with the code reviser as required by RCW 34.04.025 to the respective legislative committees of the senate and of the house of representatives dealing with the subject of veteran affairs legislation."

POINT OF INQUIRY

Senator Bailey: "Would Senator Marsh yield? Senator Marsh, I think I know your reason but I would like to, for the record, have you state whether or not this is designated only for veterans in this case or do we intend to do this with all other boards and bureaus that come before the session?"

Senator Marsh: "This particular amendment only speaks to this bill and the new proposed Department of Veterans Affairs, but I would hope that this body would adopt a similar rule when we deal with other agencies. This particular amendment will not affect other agencies by itself, but I do hope we will adopt similar amendments to other bills going through that grant rule-making authority to an agency or department of government."

Debate ensued.

POINT OF INQUIRY

Senator Francis: "Would Senator Mardesich yield to a question? Senator Mardesich, I am reading this and it makes sense to me. I am just wondering if we need to provide a procedure or if that procedure is already dealt with elsewhere in the law by which

the agency would know how to file proposed rules and regulations or to submit them to the respective committee. In other words, what do they do to give it to the committee? Do they mail it to the last known address of the chairman or just how do they go about doing that and is that something that maybe we should have provided for?"

Senator Mardesich: "Mr. President, in response to that question, it would seem to me that submission to the Secretary of the Senate would be adequate and I do not know that that exchange here is a matter of record and it may well explain it. It probably would be more logical, however, to include language after the period there indicating that through the secretary of the Senate. . . ."

On motion of Senator Francis, the following amendment to the amendment by Senator Marsh was adopted:

After "legislation" and before the period on the last line of the Marsh amendment insert "through the offices of the secretary of the senate and chief clerk of the house of representatives".

The motion by Senator Marsh carried and the amendment, as amended, was adopted.

MOTIONS

On motion of Senator Lewis (R. H. "Bob"), Senator Jones was excused.

On motion of Senator Knoblauch, Senator Bottiger was excused.

On motion of Senator Rasmussen the rules were suspended, Engrossed Substitute Senate Bill No. 2006 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. 2006, and the bill passed the Senate by the following vote: Yeas, 42; nays, 3; excused, 4.

Voting yea: Senators Bailey, Beck, Benitz, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Keefe, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—42.

Voting nay: Senators Bluechel, Murray, Scott—3.

Excused: Senators Bottiger, Jones, Lewis (Harry), Woody—4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2006, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

CONSIDERATION OF AMENDMENTS TO SENATE RULES

The Senate resumed consideration of the following amendment by Senators Washington, Wilson, Scott, Grant, Knoblauch, McDermott and von Reichbauer to the Senate Rules which had been moved for adoption by Senator Washington on Friday, January 17, 1975. At that time, further consideration of the amendment was ordered held to this day.

Amend Senate Rule 45, page 10, by adding the following section:

"SCHEDULING

It shall be the responsibility of the chairman to schedule measures for hearing and action by the committee: PROVIDED, HOWEVER, That by a majority vote of the members of the entire committee any measure may be scheduled for hearing and/or action by the committee."

Senator Washington moved adoption of the following amendment by Senators Washington and Francis to the amendment:

After the last word of the amendment and before the period, insert: "At a subsequent meeting of the committee".

Debate ensued.

POINT OF INQUIRY

Senator Fleming: "Would Senator Francis yield to a question? Senator Francis, am I to understand by this amendment that a subsequent meeting means any meeting after the one that you are presently presiding over and it does not mean the next succeeding meeting?"

Senator Francis: "Senator Fleming, in answer to your question, I would think that at a subsequent meeting would be — since the word 'scheduled' is in there, that the majority of the committee could determine which subsequent meeting it would be. It would not necessarily have to be the next one but would be whichever one they set. But they would schedule the action or hearing on that bill and the only restriction, and I think it is consistent with our notice provisions and the other provisions in the rules, is that they cannot schedule it at that meeting for that same meeting five minutes later."

Senator Fleming: "Well, I just wanted to make that point clear because it could be misconstrued that the subsequent meeting could be any subsequent meeting that the chairman decided to hold this hearing and not when the committee itself determined."

Senator Francis: "No, I think it is quite clear in the language of this that the majority members, when they schedule it, can schedule it for, for example, the next subsequent meeting."

Further debate ensued.

MOTION

Senator Mardesich moved that the amendment by Senators Washington, Wilson, Scott, Grant, Knoblauch, McDermott and von Reichbauer and the amendment to the amendment by Senators Washington and Francis be laid upon the table.

Senator Washington demanded a roll call and the demand was sustained by Senators Francis, von Reichbauer, Knoblauch, Fleming, Grant, McDermott, Wilson, Ridder and Scott.

ROLL CALL

The Secretary called the roll and the amendments were laid upon the table by the following vote: Yeas, 26; nays, 20; excused, 3.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Clarke, Day, Donohue, Guess, Henry, Herr, Jolly, Jones, Keefe, Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Murray, Newschwander, Odegaard, Peterson, Rasmussen, Sandison, Stortini, Walgren, Wanamaker—26.

Voting nay: Senators Buffington, Cunningham, Fleming, Francis, Goltz, Gould, Grant, Knoblauch, McDermott, Morrison, North, Pullen, Ridder, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Washington, Wilson—20.

Excused: Senators Bottiger, Lewis (Harry), Woody—3.

The motion by Senator Mardesich carried and the amendments were laid upon the table.

PERSONAL PRIVILEGE

Senator Odegaard: "Mr. President, last week on another amendment to the rules having to do with keeping minutes of each committee hearing, one of the press members later asked myself why I had sponsored that amendment and then had voted against it along with Senator Bailey. I was gone, had to be gone for three days last week. When I came back I noticed my name on some of these amendments, including the one today, and I asked the sponsor how my name got on that, along with maybe some of the other Senators. The response was that some of us had signed some of these proposed amendments two or three years ago and so our names were picked up again and placed on these proposed amendments. My response was that some of us have wised up in the last two or three years and I had asked, requested, that my name be withdrawn from today's amendment, and I think it was still read so I thought I would like to rise to clear that up. Thank you."

PERSONAL PRIVILEGE

Senator Washington: "This was a mistake. Those names should have been withdrawn and certainly the statement by Senator Odegaard, and I believe it would also apply to Senator Bailey, is correct, that their names were supposed to have been withdrawn. It was an oversight on my part and it certainly is not their fault."

There being no objection, on motion of Senator Washington, the amendment to Rule 45, page 9 on the Secretary's desk was withdrawn.

Senator Scott moved adoption of the following amendment:

Amend the last section of Rule 17, page 5, to read as follows:

"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,] *thirty-sixth day of the regular session, or after the tenth day of any subsequent session*, senate floor resolutions automatically shall be referred to the committee on rules."

Debate ensued.

The motion by Senator Scott failed and the amendment was not adopted on a rising vote.

On motion of Senator Mardesich, the following amendment by Senators Bailey and Mardesich was adopted:

Add the following new Rule 64 on page 14, and renumber the remaining rules consecutively:

"PRINTING OF BILLS

Rule 64. 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."

MOTION

At 12:13 p.m., on motion of Senator Mardesich, the Senate adjourned until 11:00 a.m., Wednesday, January 29, 1975.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

SEVENTEENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, January 29, 1975.

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 Herr and Stortini. On motion of Senator Knoblauch, Senator Herr was excused. On motion of Senator Marsh, Senator Stortini was excused.

The Color Guard, consisting of Pages Susan Ridder and Darren Talley, presented the Colors. Reverend George M. Mitchell, pastor of the First Christian Church of Olympia, offered the following prayer:

"OUR FATHER IN HEAVEN, WE BELIEVE AND KNOW THAT THE WORDS NOW SPOKEN, AND THE YEARNINGS OF THE HEARTS NOW OPEN TO YOU ARE HEARD AND UNDERSTOOD IN YOUR PRESENCE. THEREFORE WE UNITE OUR PRAYERS TO YOU FOR YOUR BLESSING, YOUR GUIDANCE, AND YOUR HELP. MAY THIS DAY'S DECISIONS BE MADE NOT ON THE BASIS OF WHAT IS POPULAR IN THE EYES OF OTHERS, BUT ON THE BASIS OF WHAT IS RIGHT IN YOUR EYES. GIVE THESE SENATORS THE COURAGE TO WITHSTAND THE PRESSURE OF THE SELFISH, AND GIVE TO THE PEOPLE OF THIS STATE THE VISION TO SEE THE NEEDS OF OTHERS, AND THE WILLINGNESS TO ACCEPT THE SACRIFICES THAT MUST BE SHARED BY ALL. AMEN."

MOTION

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

REPORTS OF STANDING COMMITTEES

January 28, 1975.

SENATE BILL NO. 2048, revising laws on boating (reported by Committee on Parks and Recreation):

MAJORITY recommendation: That Substitute Senate Bill No. 2048 be substituted therefor and the substitute bill do pass.

Signed by: Senators Knoblauch, Chairman; Bailey, Gould, Wanamaker.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENTS

January 28, 1975.

MERLIN TRAYLOR, to the position of member of the Emergency Medical and Ambulance Review Committee, appointed by the Governor on July 17, 1973 for the term ending July 1, 1976 (reported by the Committee on Social and Health Services):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Day, Chairman; von Reichbauer, Vice Chairman; Buffington, Goltz, Gould, McDermott, Ridder, Van Hollebeke.

Passed to Committee on Rules.

January 28, 1975.

MRS. ZOE B. LUCKE, to the position of member of the Emergency Medical and Ambulance Review Committee, appointed by the Governor on July 17, 1973 for the term ending July 1, 1976 (reported by the Committee on Social and Health Services):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Day, Chairman; von Reichbauer, Vice Chairman; Buffington, Cunningham, Goltz, Gould, North, Ridder, Van Hollebeke.

Passed to Committee on Rules.

January 28, 1975.

JOHN PHILBIN, to the position of member of the Emergency Medical and Ambulance Review Committee, appointed by the Governor on July 17, 1973 for the term ending July 1, 1976 (reported by the Committee on Social and Health Services):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Day, Chairman; von Reichbauer, Vice Chairman; Buffington, Cunningham, Goltz, Gould, North, Ridder, Van Hollebeke.

Passed to Committee on Rules.

January 28, 1975.

ANNA MAE ERICKSEN, to the position of member of the Emergency Medical and Ambulance Review Committee, appointed by the Governor on July 30, 1974 for the term ending July 1, 1977, succeeding herself (reported by the Committee on Social and Health Services):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Day, Chairman; von Reichbauer, Vice Chairman; Buffington, Cunningham, Goltz, Gould, North, Ridder, Van Hollebeke.

Passed to Committee on Rules.

January 28, 1975.

MATTHEW HAYES, M.D., to the position of member of the Emergency Medical and Ambulance Review Committee, appointed by the Governor on July 17, 1973 for the term ending July 1, 1975 (reported by the Committee on Social and Health Services):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Day, Chairman; von Reichbauer, Vice Chairman; Buffington, Cunningham, Goltz, Gould, North, Ridder, Van Hollebeke.

Passed to Committee on Rules.

January 28, 1975.

WILLIAM HENRY, M.D., to the position of member of the Emergency Medical and Ambulance Review Committee, appointed by the Governor on July 17, 1973 for the term ending July 1, 1976 (reported by the Committee on Social and Health Services):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Day, Chairman; von Reichbauer, Vice Chairman; Buffington, Cunningham, Goltz, Gould, North, Ridder, Van Hollebeke.

Passed to Committee on Rules.

January 28, 1975.

PETER T. BROOKS, M.D., to the position of member of the Emergency Medical and Ambulance Review Committee, appointed by the Governor on July 17, 1973 for the term ending July 1, 1976 (reported by the Committee on Social and Health Services):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Day, Chairman; von Reichbauer, Vice Chairman; Buffington, Cunningham, Goltz, Gould, North, Ridder, Van Hollebeke.

Passed to Committee on Rules.

January 28, 1975.

RANCE FREEMAN, to the position of member of the Emergency Medical and

Ambulance Review Committee, appointed by the Governor on July 30, 1974 for the term ending July 1, 1977, succeeding himself (reported by the Committee on Social and Health Services):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Day, Chairman; von Reichbauer, Vice Chairman; Buffington, Cunningham, Goltz, Gould, North, Ridder, Van Hollebeke.

Passed to Committee on Rules.

January 28, 1975.

JAY M. KRANZ, M.D., to the position of member of the Emergency Medical and Ambulance Review Committee, appointed by the Governor on July 17, 1973 for the term ending July 1, 1975 (reported by the Committee on Social and Health Services):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Day, Chairman; von Reichbauer, Vice Chairman; Buffington, Cunningham, Goltz, Gould, North, Ridder, Van Hollebeke.

Passed to Committee on Rules.

January 28, 1975.

ANTHONY I. EYRING, to the position of member of the Health Care Facilities Authority, appointed by the Governor on September 26, 1974 for the term ending March 1, 1979 (reported by the Committee on Social and Health Services):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Day, Chairman; von Reichbauer, Vice Chairman; Buffington, Cunningham, Goltz, Gould, North, Ridder, Van Hollebeke.

Passed to Committee on Rules.

January 28, 1975.

EDYRN H. JONES, to the position of member of the State Board of Pharmacy, appointed by the Governor on August 15, 1973 for the term ending January 18, 1977, succeeding Claude Edgren (reported by the Committee on Social and Health Services):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Day, Chairman; von Reichbauer, Vice Chairman; Buffington, Cunningham, Goltz, Gould, North, Ridder, Van Hollebeke.

Passed to Committee on Rules.

January 28, 1975.

KATHRYN L. OSBORNE, to the position of member of the State Board of Pharmacy, appointed by the Governor on August 17, 1973 for the term ending January 18, 1976 (reported by the Committee on Social and Health Services):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Day, Chairman; von Reichbauer, Vice Chairman; Buffington, Cunningham, Goltz, Gould, North, Ridder, Van Hollebeke.

Passed to Committee on Rules.

MESSAGES FROM THE HOUSE

January 28, 1975.

Mr. President: The House has passed:

HOUSE BILL NO. 2,

ENGROSSED HOUSE BILL NO. 15,

ENGROSSED HOUSE BILL NO. 17,

HOUSE BILL NO. 72,

HOUSE BILL NO. 89,

HOUSE BILL NO. 100,

HOUSE BILL NO. 123,

HOUSE BILL NO. 160, and the same are herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

January 29, 1975.

Mr. President: The House has passed ENGROSSED HOUSE BILL NO. 31, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

INTRODUCTION AND FIRST READING

SENATE BILL NO. 2313, by Senators Morrison and Jones:

An Act relating to crimes and criminal procedure; adding a new Title to the Revised Code of Washington to be designated as Title 9A; defining crimes; prescribing penalties; and declaring an emergency.

Referred to Judiciary Committee.

SENATE BILL NO. 2314, by Senators Morrison and Jones:

An Act relating to crimes and criminal procedure; adding a new Title to the Revised Code of Washington to be designated as Title 9A; repealing section 122, page 226, Laws of 1869, section 128, page 210, Laws of 1873, section 945, Code of 1881, sections 6 and 7, chapter 149, Laws of 1895, section 201, chapter 249, Laws of 1909 and RCW 9.15.010; repealing section 202, chapter 249, Laws of 1909 and RCW 9.15.020; repealing sections 74 and 75, page 89, Laws of 1854, section 75, page 119, Laws of 1859, section 80, page 216, Laws of 1869, section 84, page 200, Laws of 1873, section 880, Code of 1881, section 68, chapter 249, Laws of 1909 and RCW 9.18.010; repealing section 74, page 89, Laws of 1854, section 74, page 119, Laws of 1859, section 79, page 216, Laws of 1869, section 83, page 200, Laws of 1873, section 879, Code of 1881, section 69, chapter 249, Laws of 1909 and RCW 9.18.020; repealing section 73, page 89, Laws of 1854-55, section 73, page 118, Laws of 1859-60, section 78, page 216, Laws of 1869, section 82, page 199, Laws of 1873, section 878, Code of 1881, section 70, chapter 249, Laws of 1909 and RCW 9.18.030; repealing section 71, page 89, Laws of 1854, section 71, page 118, Laws of 1859, section 77, page 216, Laws of 1869, section 81, page 199, Laws of 1873, section 877, Code of 1881, section 71, chapter 249, Laws of 1909 and RCW 9.18.040; repealing section 72, chapter 249, Laws of 1909 and RCW 9.18.050; repealing section 84, page 200, Laws of 1873, section 880, Code of 1881, section 73, chapter 249, Laws of 1909 and RCW 9.18.060; repealing section 74, chapter 249, Laws of 1909 and RCW 9.18.070; repealing section 79, page 90, Laws of 1854, section 885, Code of 1881, section 79, chapter 249, Laws of 1909 and RCW 9.18.090; repealing section 75, page 89, Laws of 1854, section 880, Code of 1881, section 80, chapter 249, Laws of 1909 and RCW 9.18.100; repealing section 81, chapter 249, Laws of 1909 and RCW 9.18.110; repealing section 1, page 15, Laws of 1862, section 70, page 196, Laws of 1873, sections 856 and 857, Code of 1881, section 339, chapter 249, Laws of 1909 and RCW 9.26.010; repealing section 340, chapter 249, Laws of 1909 and RCW 9.26.020; repealing section 7, page 15, Laws of 1862, section 70, page 196, Laws of 1873, section 857, Code of 1881 and RCW 9.26.030; repealing section 295, chapter 249, Laws of 1909 and RCW 9.27.010; repealing section 282, chapter 249, Laws of 1909 and RCW 9.27.020; repealing section 309, chapter 249, Laws of 1909 and RCW 9.27.030; repealing section 64, page 87, Laws of 1854, sections 73 and 74, page 197, Laws of 1873, sections 859 through 861, Code of 1881, section 296, chapter 249, Laws of 1909 and RCW 9.27.040; repealing section 65, page 87, Laws of 1854, sections 73 and 74, page 197, Laws of 1873, sections 859 through 861, Code of 1881, section 297, chapter 249, Laws of 1909 and RCW 9.27.050; repealing section 65, page 87, Laws of 1854, sections 73 and 74, page 197, Laws of 1873, sections 859 through 861, Code of 1881, section 298, chapter 249, Laws of 1909 and RCW 9.27.060; repealing sections 65 and 66, page 87, Laws of 1854, sections 73 and 74, page 197, Laws of 1873, sections 859 through 861, Code of 1881, section 299, chapter 249, Laws of 1909 and RCW 9.27.070; repealing section 863, Code of 1881, section 300, chapter 249, Laws of 1909 and RCW 9.27.080; repealing section 301, chapter 249, Laws of 1909 and RCW 9.27.090; re-

pealing section 302, chapter 249, Laws of 1909 and RCW 9.27.100; repealing section 90, chapter 249, Laws of 1909, section 2, chapter 320, Laws of 1955 and RCW 9.31.010; repealing section 76, page 89, Laws of 1854, section 85, page 200, Laws of 1873, section 881, Code of 1881, sections 1 and 2, chapter 46, Laws of 1905, section 91, chapter 249, Laws of 1909 and RCW 9.31.020; repealing section 77, page 90, Laws of 1854, section 86, page 201, Laws of 1873, section 882, Code of 1881, section 92, chapter 249, Laws of 1909 and RCW 9.31.030; repealing section 77, page 90, Laws of 1854, sections 86 and 87, page 201, Laws of 1873, section 882, Code of 1881, section 93, chapter 249, Laws of 1909 and RCW 9.31.040; repealing section 94, chapter 249, Laws of 1909 and RCW 9.31.050; repealing section 87, chapter 249, Laws of 1909 and RCW 9.31.060; repealing section 88, chapter 249, Laws of 1909 and RCW 9.31.070; repealing section 125, chapter 249, Laws of 1909 and RCW 9.31.080; repealing section 1, chapter 182, Laws of 1951 and RCW 9.31.100; repealing section 363, chapter 249, Laws of 1909 and RCW 9.34.010; repealing section 364, chapter 249, Laws of 1909 and RCW 9.34.020; repealing section 303, chapter 249, Laws of 1909 and RCW 9.69.010; repealing section 78, page 90, Laws of 1854, section 87, page 201, Laws of 1873, section 883, Code of 1881, section 112, chapter 249, Laws of 1909 and RCW 9.69.020; repealing section 79, page 90, Laws of 1854, section 88, page 201, Laws of 1873, section 886, Code of 1881, section 113, chapter 249, Laws of 1909 and RCW 9.69.030; repealing section 79, page 90, Laws of 1854, section 88, page 201, Laws of 1873, section 885, Code of 1881, section 114, chapter 249, Laws of 1909 and RCW 9.69.040; repealing section 116, chapter 249, Laws of 1909 and RCW 9.69.050; repealing section 420, chapter 249, Laws of 1909 and RCW 9.69.060; repealing section 110, chapter 249, Laws of 1909 and RCW 9.69.070; repealing section 1, chapter 17, Laws of 1901, section 111, chapter 249, Laws of 1909, section 1, chapter 56, Laws of 1969 ex. sess. and RCW 9.69.080; repealing section 115, chapter 249, Laws of 1909 and RCW 9.69.090; repealing section 69, page 88, Laws of 1854, section 69, page 118, Laws of 1859, section 79, page 199, Laws of 1873, section 867, Code of 1881, section 99, chapter 249, Laws of 1909, section 1, chapter 46, Laws of 1957 and RCW 9.72.010; repealing section 870, Code of 1881, section 100, chapter 249, Laws of 1909 and RCW 9.72.020; repealing section 101, chapter 249, Laws of 1909 and RCW 9.72.030; repealing section 868, Code of 1881, section 102, chapter 249, Laws of 1909 and RCW 9.72.040; repealing section 869, Code of 1881, section 103, chapter 249, Laws of 1909 and RCW 9.72.050; repealing section 872, Code of 1881, section 104, chapter 249, Laws of 1909, section 2, chapter 46, Laws of 1957 and RCW 9.72.060; repealing section 873, Code of 1881, section 105, chapter 249, Laws of 1909 and RCW 9.72.070; repealing section 106, chapter 249, Laws of 1909 and RCW 9.72.080; repealing section 81, page 199, Laws of 1873, section 876, Code of 1881, section 108, chapter 249, Laws of 1909 and RCW 9.72.100; repealing section 71, page 89, Laws of 1854, section 77, page 216, Laws of 1869, section 81, page 199, Laws of 1873, section 877, Code of 1881, section 109, chapter 249, Laws of 1909 and RCW 9.72.110; repealing sections 3 and 4, page 81, Laws of 1854, section 36, page 204, Laws of 1869, section 38, page 187, Laws of 1873, section 829, Code of 1881, section 166, chapter 249, Laws of 1909 and RCW 9.75.010; repealing section 6, page 126, Laws of 1890 and RCW 9.75.030; repealing section 244, chapter 249, Laws of 1909 and RCW 9.76.020; repealing section 245, chapter 249, Laws of 1909 and RCW 9.76.030; repealing section 246, chapter 249, Laws of 1909 and RCW 9.76.040; repealing section 865, Code of 1881, section 247, chapter 249, Laws of 1909 and RCW 9.76.050; repealing section 1, page 85, Laws of 1875, section 1271, Code of 1881, section 436, chapter 249, Laws of 1909, section 1, chapter 11, Laws of 1965, section 29, chapter 122, Laws of 1972 ex. sess. and RCW 9.87.010; repealing section 1, chapter 62, Laws of 1915 and RCW 9.87.020; repealing section 3, page 90, Laws of 1875, section 1273, Code of 1881 and RCW 9.87.030; repealing section 932, Code of 1881 and RCW 9.91.040; repealing section 382, chapter 249, Laws of 1909 and RCW 9.91.070; repealing section 383, chapter 249, Laws of 1909 and RCW 9.91.080; repealing section 4, chapter 241, Laws of 1955 and RCW 9.94.060; defining crimes, prescribing penalties; and prescribing an effective date.

Referred to Judiciary Committee.

SENATE BILL NO. 2315, by Senators Washington, Goltz and Murray:

An Act relating to revenue and taxation; providing a means for the financing of public transportation facilities; and adding a new chapter to Title 39 RCW.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 2316, by Senators Walgren, Fleming, Beck and McDermott:

An Act relating to higher education; and 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.

Referred to Committee on Higher Education.

SENATE BILL NO. 2317, by Senator Lewis (R. H. "Bob"):

An Act relating to voters' pamphlet; and amending section 29.81.010, chapter 9, Laws of 1965 as amended by section 1, chapter 143, Laws of 1973 1st ex. sess. and RCW 29.81.010.

Referred to Committee on Constitution and Elections.

SENATE BILL NO. 2318, by Senators Donohue, Rasmussen, Jolly, Guess, Peterson, Day and Benitz:

An Act relating to state government; transferring certain powers, duties, and functions from the department of ecology to the department of natural resources; adding new sections to chapter 43.30 RCW; and prescribing an effective date.

Referred to Committee on State Government.

SENATE BILL NO. 2319, by Senators Donohue, Day, Odegaard and Peterson:

An Act relating to state government; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2320, by Senators Ridder, Talley and Morrison (by Department of Labor and Industries request):

An Act relating to public works contracts and prevailing wages thereon; amending section 1, chapter 183, Laws of 1923 and RCW 39.04.010; amending section 3, chapter 63, Laws of 1945 as amended by section 1, chapter 133, Laws of 1965 ex. sess. and RCW 39.12.010; and amending section 1, chapter 63, Laws of 1945 as amended by section 1, chapter 14, Laws of 1967 ex. sess. and RCW 39.12.020.

Referred to Committee on State Government.

SENATE BILL NO. 2321, by Senators Grant and Stortini:

An Act relating to public employees; amending section 3, chapter 10, Laws of 1972 ex. sess. and RCW 28A.58.100; creating new sections; and adding a new section to chapter 41.40 RCW.

Referred to Committee on Education.

SENATE BILL NO. 2322, by Senators Ridder, Goltz and Morrison (by Office of Community Development request):

An Act relating to industrial insurance; and amending section 1, chapter 20, Laws of 1971 as amended by section 44, chapter 171, Laws of 1974 ex. sess. and RCW 51.12.035.

Referred to Committee on Labor.

SENATE BILL NO. 2323, by Senators Odegaard and Talley:

An Act relating to highways; providing for the operation and maintenance of the Puget Island ferry; making an appropriation; and declaring an emergency.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 2324, by Senators Talley, Ridder and North:

An Act relating to child welfare services; amending section 17, chapter 172, Laws

of 1967 as amended by section 2, chapter 101, Laws of 1973 1st ex. sess. and RCW 74.13.031; and prescribing a penalty.

Referred to Judiciary Committee.

SENATE BILL NO. 2325, by Senators Odegaard and Talley:

An Act relating to the Puget Island Ferry; amending section 7, chapter 39, Laws of 1973 2nd ex. sess. (uncodified); making an appropriation; and declaring an emergency.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 2326, by Senators Stortini, Gould and Sandison:

An Act relating to the state teachers' retirement act; and 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.

Referred to Committee on Education.

SENATE JOINT RESOLUTION NO. 105, by Senators Washington, Jolly, Fleming, Van Hollebeke and Sellar:

Proposing constitutional amendment authorizing legislature to permit community and industrial development irrespective of certain other enumerated constitutional limitations.

MOTION

On motion of Senator Fleming, Senate Joint Resolution No. 105 was referred to the Committee on Local Government.

MOTION

Senator Rasmussen moved that the Committee on Local Government be relieved of consideration of Senate Joint Resolution No. 105 and the resolution be referred to the Committee on State Government.

Debate ensued.

POINT OF INQUIRY

Senator Guess: "Would Senator Fleming yield? Senator Fleming, because this is an introduction, we do not have a bill book that we have this thing. Will you tell me just exactly what this bill will do? Does it have anything to do with House Bill 100? House Bill 100 is a means of getting around the decision of the supreme court and will provide bond financing for pollution control in industrial development."

Senator Fleming: "I think it would accomplish some of that but I do not think it is the same as House Bill 100."

Senator Guess: "Would Senator Washington answer?"

Senator Washington: "It would make clear from a constitutional point of view that House Bill 100 would be constitutional. In other words, it is a backup. A very prominent part of it is a backup to House Bill 100. Of course it was on a constitutional basis that the supreme court held that you could not use the bonding capacity of public agencies. It was a form of a loaning of credit. There is an attempt in House Bill 100 to get around that, but there is still some question in my mind whether or not that is going to accomplish it, and we probably are going to have to have a change in the Constitution if we are going to be able to continue. And actually the court decision that held that it was unconstitutional for us to utilize bonding capacity for environmental purposes also cast a strong pall on the right of port districts to issue revenue bonds. I feel that this is an important constitutional amendment. It relates to local government and should go to the Local Government Committee."

Senator Guess: "Mr. President, if I might ask Senator Washington one more question? Senator Washington, would SJR 105 permit the communities and the industrial development to pledge the faith and credit of the community or of the state. How would that bonding authority run there? In other words, what is the purpose of 105? Is it going to pledge the credit of the state?"

Senator Washington: "I think it would be possible, but the primary purpose, of course, is for local agencies, but I think also there could be the possibility of — under this amendment — for the pledging of the credit of the state. I think that is a very strong possibility."

Senator Guess: "Thank you, Senator Washington."

Further debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Would Senator Washington yield to a question? Senator Washington, in a recent issue of the Wall Street Journal widely quoted in the other newspapers, the port authority, several other authorities of the State of New York, are unable to meet the payments on their bonds, or very nearly unable, and they are going to in effect have to either delay them or not pay them at all. They are now coming to the State of New York asking for relief in the payment of these bonds and I think this is the question that Senator Guess was concerned with, that many, many people have bought these bonds that are hoping to be rescued by the State of New York because these authorities have issued far more than they can possibly pay for. Are you aware of that, Senator Washington?"

Senator Washington: "I know there is a situation such as that in the State of New York. I am not sure — is it the port authority? I have understood. . . ."

Senator Rasmussen: "Several of the authorities, numerous."

Senator Washington: "The major port authority, though, in New York, the New York Port Authority, is a very solvent institution. There may be some other ports in New York but I am not aware that the Port of New York is in financial difficulty."

Senator Rasmussen: "Other authorities are. . . . Then, Senator Washington, would you not think that this would be of statewide concern rather than local concern?"

Senator Washington: "I think it does have some statewide concerns but I think the predominant concern is one of local government. I think almost any bill that we have before us has some statewide concern. I think if we started doing that, your committee would have virtually every bill. But I think the thrust of this bill is one mainly concerned about local government and for that reason I think that is where it should be. And I think that is where most of the expertise I think will be on these local types of issues. I am sure anyone — that there will be wide interest in this from almost every port district, from most of the industries who really want to see this move. And I think if you have a point of view, of course it would be expressed and considered in the Committee on Local Government."

Senator Rasmussen: "Thank you, Senator Washington."

Further debate ensued.

The President declared the question before the Senate to be the motion by Senator Rasmussen that the Committee on Local Government be relieved of consideration of Senate Joint Resolution No. 105 and the resolution be referred to the Committee on State Government.

The motion by Senator Rasmussen failed on a rising vote.

INTRODUCTION AND FIRST READING

SENATE JOINT RESOLUTION NO. 106, by Senators Washington, Grant, Bailey, Murray and Wilson:

Providing for annual legislative sessions.

Referred to Committee on Constitution and Elections.

There being no objection, the rules were suspended and additional sponsors were permitted on the following Senate bills: 2316, 2318, 2319, Senate Joint Resolutions 105 and 106.

INTRODUCTION AND FIRST READING

HOUSE BILL NO. 2, by Representative Kilbury:

Decreasing the term length of mortgages or deeds on lease hold estates required for investments by insurance companies.

Referred to Committee on Financial Institutions.

ENGROSSED HOUSE BILL NO. 15, by Representatives Fischer, Jastad and Matthews:

Extending special immunities to pharmacists.

Referred to Committee on Social and Health Services.

ENGROSSED HOUSE BILL NO. 17, by Representatives Jastad and Kalich:

Providing law libraries for seventh and eighth class counties.

Referred to Committee on Local Government.

ENGROSSED HOUSE BILL NO. 31, by Representative Gallagher:

Authorizing class A counties to participate in urban renewal.

Referred to Committee on Local Government.

HOUSE BILL NO. 72, by Representative Sherman:

Removing requirement that chairman and vice chairman of county central committees and state committee of each major political party be of opposite sexes.

Referred to Committee on Constitution and Elections.

HOUSE BILL NO. 89, by Representative Kilbury:

Regulating salvage of food unfit for use by humans.

Referred to Committee on Agriculture.

HOUSE BILL NO. 100, by Representatives Luders, Newhouse, Charette, Pardini, Martinis, Kilbury, Berentson, Ceccarelli, Hansey, Laughlin, Wilson and Matthews:

Providing for bond financing of pollution control and industrial development.

Referred to Committee on Ecology.

HOUSE BILL NO. 123, by Representatives Martinis, Bausch, Clemente, Hansey, Whiteside, Kilbury, Conner, Hurley (George), Smith (Rick), Bond, Moreau and Hendricks (by Department of Game request):

Imposing a penalty assessment on game law violations.

Referred to Committee on Natural Resources.

HOUSE BILL NO. 160, by Representatives Ceccarelli, Pardini and Bagnariol (by Department of General Administration Division of Banking request):

Fixing maximum maturity of certificates of deposit by mutual savings banks at six years.

Referred to Committee on Financial Institutions.

SECOND READING

SENATE BILL NO. 2097, by Senators Woody, Gould, and Knoblauch (by State Parks and Recreation Committee request):

Changing period of enrollment and compensation for enrollees in the youth corps and reducing the time privately owned recreation areas developed by enrollees must be available to the public.

REPORT OF STANDING COMMITTEE

January 21, 1975.

SENATE BILL NO. 2097, changing period of enrollment and compensation for

enrollees in the youth corps and reducing the time privately owned recreation areas developed by enrollees must be available to the public (reported by Committee on Parks and Recreation):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 29, after "that" and before "an" insert "up to".

Signed by: Senators Knoblauch, Chairman; Bailey, Gould, Wanamaker.

The bill was read the second time by sections.

On motion of Senator Woody, the committee amendment was adopted.

POINT OF INQUIRY

Senator Mardesich: "Would Senator Woody yield? Senator Woody, I have taken a glance at Section 3. I gather that the people who are in the Youth Corps and the commission which runs the Youth Corps makes agreements with private parties providing that the Youth Corps may be used in the development of private park areas, recreation areas."

Senator Woody: "That is correct."

Senator Mardesich: "And what the law did previously was require that if such people were used in the development of private parks, then those areas would have to be available without charge to the public for a period of forty years."

Senator Woody: "That is correct."

Senator Mardesich: "I note that that forty years is changed to five years."

Senator Woody: "That is correct."

Senator Mardesich: "And let me pose, in view of your answers, a hypothetical question. If I were to pick up a choice area for recreational development and were to make an agreement with the commission to do extensive work, and I mean substantial dollars involved, substantial numbers of hours that would have been a cost to me, something in the neighborhood of hundreds of thousands of dollars, which such development could cost, why would you reduce that requirement to five years rather than use the approach that it might be some relation to the dollars involved or the hours involved or something of that sort?"

Senator Woody: "Well, in your hypothetical, are you assuming that you would not have to pay that hundreds of thousands of dollars under either program?"

Senator Mardesich: "I am assuming, at least I see nothing in Sections 1 through 3 that requires a pay back although I will admit I just glanced at it."

Senator Woody: "Yes. It is not in this bill but it is in the rest of the legislation and the rules of the Park Department. Anybody, either under forty years or five years, who wants their property developed must pay for the time, the payment — whether it be twenty-five dollars per week or whatever — for the children who are involved with it, plus the lead group, that is usually a mother and father lead group, plus the tools and equipment, all of the expenses that go into it, the person who owns the private property has to pay for all of that. The state cannot pay for any part of it, and it cannot be any match money from the federals either. So in your hypothetical, whether it be five years or forty years, the person who has the private property would have to expend all of the funds themselves. The reason that the Parks Department made the recommendation, this is their recommendation, from forty years to five years, is that they have not been able to entice any private property to go into this program. And at forty years it is clear that they would not be able to. Five years was just their suggestion and there were no objections to the committee."

Senator Mardesich: "Was there any consideration whatsoever given to an alternative of pay back based on time or estimated expenditures at all?"

Senator Woody: "Since the person who is donating the property has to come up with one hundred percent of the expenses, all of the expenses. . . ."

Senator Mardesich: "But that is very minor in view of the actual per day cost of each person who is working there. What would he have to buy? The shovels, the tools? He could lease those at no great cost?"

Senator Woody: "All of the expenses would have to be paid. But past that you

would have to ask the rest of the questions of the committee chairman since this was a matter that went through last time without the discussion that you are asking, and during the most recent committee hearings I was not at the powerful Parks Committee hearings."

Senator Mardesich: "Mr. President, I note that the measure says on lines 19 and 20 of page 2 that this period shall be at least five years, and I gather from that that it might be in excess of five years. I would simply at final passage ask for you to respond to a question indicating that we think it might be wise for the commission to take into account the actual value of services rendered in determining the length of lease."

POINT OF INQUIRY

Senator Bailey: "Would Senator Woody yield? Senator Woody, I think probably this determination has to be made after the bill has passed, but I note that you pay up to twenty-five dollars a week. You provide room and board. And I am wondering how this conforms with the new national minimum wage hour act that we are suffering under now insofar as volunteer firemen go and things of that sort. When you provide room and board, it is my idea that you also put those people on duty something like twenty-four hours a day and I am wondering if you conform to the federal statute in such a way that you can get by with that. I am just curious to know how you meet this, because the volunteer fire departments in my area are suffering, as are the fire districts, over this very matter."

Senator Woody: "On November 21, 1974 I met with the Department of Interior who administers the YCC Program, and provides match money for this particular program. Mr. Pete Mowitt of the Department of Interior answered that particular question because I raised that at the time. The way it is handled is this: of the eight hour day program, six hours is considered work and two hours instruction, and in almost all of the grant application and programs that are set forth by the Parks Department they illustrate this clearly, that two hours is considered to be an instruction. Therefore, on the basis of that, the federal Department of Interior on their own YCC funds have made the determination that they are not subject either due to the six hour per day and the room and board to the new 1974 federal act, the Fair Labor Standards Act. I asked him that particular question. He said the federal YCC's were not and as long as we worked along the same lines, and we are, then we would not be subject to it. That was his answer for that same question."

MOTION

On motion of Senator Bottiger, Senate Bill No. 2097, together with the adopted committee amendment, was ordered held for further consideration on Thursday, January 30, 1975.

SECOND READING

SENATE BILL NO. 2127, by Senators Jolly and Benitz:

Expanding the definition of "construction project" for PUD purposes.

The bill was read the second time by sections.

On motion of Senator Walgren, the rules were suspended, Senate Bill No. 2127 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Woody: "Would Senator Jolly yield? I am reading the current code on 54.36.010 and, I understand, basically what it attempts to do in your bill merely strikes a portion out of the definitions section. But when you mention nuclear plants, by making this amendment that you are suggesting, striking 'hydroelectric', would that expand the authority of PUD's to construct nuclear plants?"

Senator Jolly: "No more than they have at the present time, no."

Senator Woody: "What further effect would this have if we struck 'hydroelectric'?"

insofar as the provisions of 54.36 permitting payments from PUD's to other taxing districts? Especially if PUD were to put in a nuclear plant?"

Senator Jolly: "The only effect it would have, Senator Woody, that I see is that under the present law they can only participate in these expenses if it is a hydroelectric plant. By striking the word 'hydroelectric', they could participate in the expenses if it is a nuclear plant or just an ordinary steam plant."

Senator Woody: "Are there any particular instances in this state where this is causing a problem now, and if so, is it related to steam plants or nuclear plants?"

Senator Jolly: "There is a problem that probably could be affected down here at the Satsop steam plant just south of us."

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2127, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—47.

Excused: Senators Herr, Stortini—2.

SENATE BILL NO. 2127, having received the 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. 2011, by Senators Odegaard, Stortini, Rasmussen and Jolly: Changing certain school holidays to conform with state holidays.

REPORT OF STANDING COMMITTEE

January 23, 1975.

SENATE BILL NO. 2011, changing certain school holidays to conform with state holidays (reported by Committee on Education):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, line 12 after "effect" and before the period strike "immediately" and insert "July 1, 1975".

In line 4 of the title before "declaring" strike "and", and on line 5 after "emergency" and before the period insert "; and making an effective date".

Signed by: Senators Stortini, Chairman; Francis, Gould, McDermott, von Reichbauer.

The bill was read the second time by sections.

On motion of Senator Odegaard, the committee amendment to page 2, line 12 was adopted.

Senator Fleming moved adoption of the following amendment:

On page 1, section 1, line 12, after "Day;" and before "the third" insert "*the third Monday in January, being the anniversary of the birth of Martin Luther King, Jr.;*"

Debate ensued.

POINT OF ORDER

Senator Guess: "Mr. President, I have read the amendment. I have read the bill; and I now rise to raise the question of germaneness on the amendment. I believe that the amendment exceeds the scope and object of the bill."

REMARKS BY THE PRESIDENT

The President: "The President wishes to take sufficient time to research the point as

presented by Senator Guess and, with the permission of the Senate, would like to delay a decision on this matter until such time as thorough research has been accomplished."

MOTION

On motion of Senator Fleming, Senate Bill No. 2011, the adopted committee amendment, the amendment proposed by Senator Fleming to page 2, section 2, line 12 and the Point of Order raised by Senator Guess on the amendment proposed by Senator Fleming were ordered held for the President's Ruling on Thursday, January 30, 1975.

SECOND READING

SENATE BILL NO. 2049, by Senators Odegaard, von Reichbauer, Newschwander, Fleming and Murray (by request of Committee on Education of the forty-third Legislature):

Providing for controls of election results for state board of education and for resolving tie when same results following school election for board.

The bill was read the second time by sections.

On motion of Senator Odegaard the rules were suspended, Senate Bill No. 2049 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. 2049, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—47.

Excused: Senators Herr and Stortini—2.

SENATE BILL NO. 2049, having received the 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 Mardesich, the remainder of the second reading calendar for today was ordered held for consideration on Thursday, January 30, 1975.

PERSONAL PRIVILEGE

Senator Bottiger: "I would ask on behalf of the sponsors of Senate Bill No. 2149 that the press not confuse this with the horse bill that was killed in committee this morning."

MOTION

Senator Bailey moved adoption of the following resolution:

SENATE RESOLUTION 1975-8

By Senators Bailey, Matson and Mardesich:

WHEREAS, The salaries of judges, state elected officials, and legislators is a matter of vital concern to all of the citizens of the state of Washington; and

WHEREAS, The responsibility for the regulating of these salaries is delegated by the constitution, to the legislature; and

WHEREAS, Much has been publicized recently about the level of these salaries and the method of determining same; and

WHEREAS, The legislature has the duty to analyze this issue in its open forum as its members are representative of all citizens of the state; and

WHEREAS, Such an analysis can best be made by a select committee which is both representative and bipartisan in nature;

NOW, THEREFORE, BE IT RESOLVED, That the president of the senate appoint a six-member select committee composed of three members of the senate majority party and three members of the senate minority party, to study the salaries of the judges, state elected officials and legislators and the methods of adjusting same in the future, and report its recommendations to the legislature.

POINT OF INQUIRY

Senator Rasmussen: "Would Senator Bailey yield to a question? Senator Bailey, this merely says you report its recommendations to the legislature. Which legislature? The one ten years from now or this one? It does not give any specific time or legislature they should report to."

Senator Bailey: "Senator, we did not think it was necessary to put a date on it, since it did not go to the State Government Committee."

Senator Rasmussen: "Mr. President, could you advise the chairman of the State Government Committee if Senator Bailey would be impugning the motives of the members of the State Government Committee? It is not clear to me what he is hinting at."

Senator Bailey: "Not at all. It requires due deliberation and I am sure you give everything due deliberation, but we had in mind that they would go out very shortly and hold meetings and come back with recommendations prior to the time the budget was adopted, and it was hard to put a date on that budget. We might be here one hundred and seventy days; we might be here ninety."

Senator Rasmussen: "Thank you, Senator Bailey. We will not have to worry about that raise very soon then."

The motion by Senator Bailey carried and the resolution was adopted.

APPOINTMENT OF SELECT COMMITTEE

The President appointed the following Senators as a select committee under the provisions of Senate Resolution 1975-8: Senators Newschwander, Sellar, Murray, McDermott, Goltz and Walgren.

MOTION

On motion of Senator Walgren, the appointees were confirmed.

MOTION

At 12:40 p.m., on motion of Senator Mardesich, the Senate adjourned until 11:00 a.m., Thursday, January 30, 1975.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

EIGHTEENTH DAY**MORNING SESSION**

Senate Chamber, Olympia, Thursday, January 30, 1975.

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 Debra Schultz and Howard Anderson, presented the Colors. Reverend George M. Mitchell, pastor of the First Christian Church of Olympia, offered the following prayer:

"ALMIGHTY AND EVERLASTING GOD, THE CREATOR OF LIFE AND OUR CONSTANT COMPANION; WE COME TO YOU IN PRAYER IN GOOD TIMES AND IN BAD TIMES; IN TIMES OF ADVERSITY AND IN TIMES OF PROSPERITY; IN TIMES OF PEACE AND IN TIMES OF WAR. FOR WE WISH TO ACKNOWLEDGE YOU AS THE LORD OF ALL OF LIFE, NOT JUST A PART OF IT.

AND SO WE WOULD ASK THIS DAY THAT YOU WOULD CONTINUE TO BLESS US AS YOU HAVE IN THE PAST; SAVE US FROM THE VIOLENCE, DISCORD AND CONFUSION OF WAR AND PREJUDICE; BUT ALSO SAVE US FROM THE PRIDE AND ARROGANCE AND HO-HUM SELF-SATISFACTION IN TIMES OF PEACE AND CONTENTMENT. IN THE TIME OF PROSPERITY, FILL OUR HEARTS WITH THANKFULNESS AND IN THE DAY OF TROUBLE, DO NOT ALLOW OUR TRUST IN YOU TO FAIL. ENTER INTO OUR PEACE TO DISTURB US, AND ENTER INTO OUR TIMES OF CONFLICT, TO BRING RECONCILIATION. AMEN."

MOTION

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

REPORTS OF STANDING COMMITTEES

January 29, 1975.

SENATE BILL NO. 2002, enacting the Fair Campaign Practices Act of 1975 (reported by Committee on Constitution and Elections):

MAJORITY recommendation: That Senate Bill No. 2002 be substituted therefor and the substitute bill do pass.

Signed by: Senators Beck, Chairman; Grant, Lewis (R. H. "Bob"), Pullen.

Passed to Committee on Rules for second reading.

January 29, 1975.

SENATE BILL NO. 2028, establishing a state lottery (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Rasmussen, Chairman; Buffington, Henry, Knoblauch, Wanmaker.

MINORITY recommendation: Do not pass.

Signed by: Senator Cunningham.

Passed to Committee on Rules for second reading.

January 29, 1975.

SENATE BILL NO. 2074, authorizing sewer districts to issue revenue warrants and revenue bond anticipation warrants and expanding authority in regard to revenue bonds (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Fleming, Chairman; Jolly, McDermott, North, Sellar, Talley, Walgren, Wilson.

Passed to Committee on Rules for second reading.

January 28, 1975.

SENATE BILL NO. 2079, facilitating the refund of erroneously paid camper and trailer tax (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass.

Signed by: Senators Walgren, Chairman; Beck, Bluechel, Bottiger, Guess, Jolly, Lewis (R. H. "Bob"), Sellar, Wanamaker.

Passed to Committee on Rules for second reading.

January 28, 1975.

SENATE BILL NO. 2080, prescribing a penalty for failure to surrender motor vehicle certificates, licenses or permits (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Walgren, Chairman; Beck, Bluechel, Bottiger, Guess, Jolly, Lewis (R. H. "Bob"), Sellar, Wanamaker.

Passed to Committee on Rules for second reading.

January 29, 1975.

SENATE BILL NO. 2082, permitting fire districts to charge fees to reimburse themselves for funds expended on first aid vehicles and ambulances (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Fleming, Chairman; Jolly, McDermott, North, Sellar, Talley, Walgren, Wilson.

Passed to Committee on Rules for second reading.

January 29, 1975.

SENATE BILL NO. 2163, designating petrified wood as the official state gem (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Rasmussen, Chairman; Buffington, Henry, Knoblauch, Wanamaker.

Passed to Committee on Rules for second reading.

January 30, 1975.

SENATE BILL NO. 2203, requiring revocation of hunting license on conviction for certain violations against the game code (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Peterson, Chairman; Beck, Bluechel, Grant, Pullen, Rasmussen, Sandison.

Passed to Committee on Rules for second reading.

January 29, 1975.

SENATE BILL NO. 2220, removing mandatory delay for issuance of certain county warrants (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Fleming, Chairman; Jolly, McDermott, North, Sellar, Talley, Walgren, Wilson.

Passed to Committee on Rules for second reading.

January 29, 1975.

SENATE BILL NO. 2227, authorizing acquisition of surplus Expo facilities for Walla Walla community college (reported by Committee on Higher Education):

Recommendation: Do pass as amended and that the bill be referred to the Committee on Ways and Means.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Guess, Odegaard, Scott.

Referred to Committee on Ways and Means.

January 29, 1975.

SENATE BILL NO. 2246, exempting certain state and community college employees from payment of fees (reported by Committee on Higher Education):

Recommendation: Do pass as amended and that the bill be referred to the Committee on Ways and Means.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Guess, Odegaard, Scott.

Referred to Committee on Ways and Means.

January 29, 1975.

SENATE JOINT MEMORIAL NO. 104, petitioning Congress to control entry of illegal aliens (reported by Committee on State Government):

Recommendation: Do pass.

Signed by: Senators Rasmussen, Chairman; Buffington, Cunningham, Day, Henry, Knoblauch, Wanamaker.

Passed to Committee on Rules for second reading.

January 29, 1975.

SENATE CONCURRENT RESOLUTION NO. 101, requesting establishment of the joint committee on Washington/ British Columbia Governmental Cooperation (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Rasmussen, Chairman; Buffington, Cunningham, Day, Knoblauch, Wanamaker.

Passed to Committee on Rules for second reading.

January 29, 1975.

ENGROSSED HOUSE BILL NO. 31, authorizing class A counties to participate in urban renewal (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Fleming, Chairman; Jolly, McDermott, North, Sellar, Talley, Wilson.

MOTIONS

On motion of Senator Mardesich, the rules were suspended and Engrossed House Bill No. 31 was advanced to second reading and read the second time in full.

On motion of Senator Fleming, the rules were suspended, Engrossed House Bill No. 31 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

On motion of Senator Mardesich, Engrossed House Bill No. 31, on third reading, was made a special order of business for noon today or immediately prior to adjournment.

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

January 29, 1975.

RAY E. DAVIS, to the position of member of the Washington State Canal Com-

mission, appointed by the Governor on October 17, 1973 for the term ending June 30, 1979, succeeding himself (reported by the Committee on Transportation and Utilities):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Walgren, Chairman; Beck, Benitz, Bottiger, Guess, Jolly, Knoblauch, Morrison, Sellar, Wanamaker.

Referred to Committee on Rules.

January 29, 1975.

WALTER HOWE, to the position of member of the Council on Higher Education, appointed by the Governor on July 10, 1974 for the term ending June 30, 1977, succeeding Carlton Lewis (reported by the Committee on Higher Education):

Recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Guess, Odegaard, Scott.

Referred to Committee on Rules.

January 29, 1975.

R. MORT FRAYN, to the position of member of the University of Washington Board of Regents, appointed by the Governor on April 12, 1974 for the term ending March 10, 1980, succeeding himself (reported by the Committee on Higher Education):

Recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Guess, Odegaard, Scott.

Referred to Committee on Rules.

January 29, 1975.

RAMON J. GOULD, to the position of member of the Board of Trustees of Community College District Number Five, Everett and Edmonds Community Colleges, appointed by the Governor on April 4, 1974 for the term ending April 3, 1979, succeeding himself (reported by the Committee on Higher Education):

Recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Guess, Odegaard, Scott.

Referred to Committee on Rules.

MESSAGE FROM THE HOUSE

January 29, 1975.

Mr. President: The House has passed SENATE BILL NO. 2199, and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

INTRODUCTION AND FIRST READING

SENATE BILL NO. 2327, by Senators Clarke and Gould:

An Act relating to certain appeals by certificated employees of school districts; and amending section 28A.58.480, chapter 223, Laws of 1969 ex. sess. as amended by section 15, chapter 34, Laws of 1969 ex. sess. and RCW 28A.58.480.

Referred to Judiciary Committee.

SENATE BILL NO. 2328, by Senators Guess, Bottiger and Lewis (R. H. "Bob") (by Department of Highways request):

An Act relating to the distribution of motor vehicle fuel tax and use fuel tax revenues to cities and counties; amending section 46.68.110, chapter 12, Laws of 1961 as amended by section 7, chapter 7, Laws of 1961 ex. sess. and RCW 46.68.110; and

amending section 46.68.120, chapter 12, Laws of 1961 as last amended by section 47, chapter 195, Laws of 1973 1st ex. sess. and RCW 46.68.120.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 2329, by Senators Bottiger, Gould, Van Hollebeke and Morrison:

An Act relating to gambling; amending section 1, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 1, chapter 155, Laws of 1974 ex. sess. and RCW 9.46.010; and amending section 2, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 2, chapter 155, Laws of 1974 ex. sess. and RCW 9.46.020.

Referred to Judiciary Committee.

SENATE BILL NO. 2330, by Senators Peterson, Goltz, Rasmussen and Newschwander:

An Act relating to food fish and shellfish; amending section 75.04.020, chapter 12, Laws of 1955 and RCW 75.04.020; amending section 75.08.030, chapter 12, Laws of 1955 and RCW 75.08.030; amending section 75.08.080, chapter 12, Laws of 1955 and RCW 75.08.080; amending section 75.08.100, chapter 12, Laws of 1955 and RCW 75.08.100; amending section 75.16.020, chapter 12, Laws of 1955 and RCW 75.16.020; amending section 75.16.030, chapter 12, Laws of 1955 and RCW 75.16.030; 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; adding new sections to chapter 75.08 RCW; and repealing section 75.16.040, chapter 12, Laws of 1955 and RCW 75.16.040.

Referred to Committee on Natural Resources.

SENATE BILL NO. 2331, by Senators Washington, Murray and North:

An Act relating to metropolitan municipal corporations; and amending section 35.58.200, chapter 7, Laws of 1965 as last amended by section 6, chapter 70, Laws of 1974 ex. sess. and RCW 35.58.200.

Referred to Committee on Ecology.

SENATE BILL NO. 2332, by Senators Bottiger and Bluechel:

An Act relating to insurance; and amending section 9, chapter 259, Laws of 1971 ex. sess. and RCW 48.32A.090.

Referred to Committee on Financial Institutions.

SENATE BILL NO. 2333, by Senators Murray, Goltz and North:

An Act relating to the protection of the environment of Puget Sound; and adding a new chapter to Title 90 RCW.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 2334, by Senators Francis, Bottiger, Woody and Clarke:

An Act relating to corporations; amending and recodifying section 1, chapter 85, Laws of 1965 and RCW 23.01.226 to be recodified as RCW 23A.08.325; amending section 38, chapter 53, Laws of 1965 and RCW 23A.08.350; amending section 44, chapter 53, Laws of 1965 and RCW 23A.08.410; and amending section 50, chapter 53, Laws of 1965 and RCW 23A.08.470.

Referred to Judiciary Committee.

SENATE BILL NO. 2335, by Senators Grant and Washington:

An Act relating to political activity reporting requirements; amending section 6, chapter 1, Laws of 1973 and RCW 42.17.060; amending section 16, chapter 1, Laws of 1973 and RCW 42.17.160; and amending section 19, chapter 1, Laws of 1973 and RCW 42.17.190.

Referred to Committee on Constitution and Elections.

SENATE BILL NO. 2336, by Senators Bottiger, Beck and Guess (by Utilities and Transportation Commission request):

An Act relating to the regulation of public service companies; and amending section 80.04.010, chapter 14, Laws of 1961 as amended by section 1, chapter 59, Laws of 1963 and RCW 80.04.010.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 2337, by Senators Walgren, Francis and Clarke:

An Act relating to motor vehicles; and amending section 46.56.040, chapter 12, Laws of 1961 as last amended by section 2, chapter 38, Laws of 1973 2nd ex. sess. and RCW 46.61.520.

Referred to Judiciary Committee.

SENATE BILL NO. 2338, by Senators Bailey, Benitz and Newschwander:

An Act relating to vocational education; amending section 12, chapter 130, Laws of 1969 and RCW 28A.58.075; amending section 53, chapter 283, Laws of 1969 ex. sess. and RCW 28B.50.246; creating new sections; repealing section 28B.50.160, chapter 223, Laws of 1969 ex. sess., section 54, chapter 18, Laws of 1970 ex. sess. and RCW 28B.50.160; repealing section 28B.50.170, chapter 223, Laws of 1969 ex. sess., section 28, chapter 283, Laws of 1969 ex. sess., section 20, chapter 62, Laws of 1973 and RCW 28B.50.170; repealing section 28B.50.180, chapter 223, Laws of 1969 ex. sess. and RCW 28B.50.180; repealing section 28B.50.200, chapter 223, Laws of 1969 ex. sess., section 21, chapter 62, Laws of 1973 and RCW 28B.50.200; repealing section 28B.50.220, chapter 223, Laws of 1969 ex. sess., section 55, chapter 18, Laws of 1970 ex. sess. and RCW 28B.50.220; repealing section 1, chapter 98, Laws of 1969 ex. sess. and RCW 28B.50.221; and repealing section 28B.50.230, chapter 223, Laws of 1969 ex. sess. and RCW 28B.50.230.

Referred to Committee on Higher Education.

SENATE BILL NO. 2339, by Senator Day (by Department of Social and Health Services request):

An Act relating to state government; amending section 10, chapter 267, Laws of 1955 and RCW 70.41.100; amending section 11, chapter 267, Laws of 1955 as amended by section 3, chapter 247, Laws of 1971 ex. sess. and RCW 70.41.110; amending section 3, chapter 239, Laws of 1971 ex. sess. and RCW 70.62.220; amending section 71.12.470, chapter 25, Laws of 1959 and RCW 71.12.470; amending section 3, chapter 251, Laws of 1961 as amended by section 11, chapter 71, Laws of 1974 ex. sess. and RCW 72.33.810; amending section 4, chapter 172, Laws of 1967 and RCW 74.15.040; amending section 10, chapter 172, Laws of 1967 and RCW 74.15.100; amending section 12, chapter 172, Laws of 1967 and RCW 74.15.120; amending section 5, chapter 253, Laws of 1957 as amended by section 1, chapter 247, Laws of 1971 ex. sess. and RCW 18.20.050; amending section 4, chapter 168, Laws of 1951 and RCW 18.46.030; amending section 6, chapter 117, Laws of 1951 as last amended by section 2, chapter 247, Laws of 1971 ex. sess. and RCW 18.51.050; and adding a new section to chapter 43.20A RCW.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2340, by Senators Morrison, Walgren, Rasmussen, Matson and Cunningham:

An Act relating to the administrative procedure act; and amending section 1, chapter 186, Laws of 1963 and RCW 34.04.160.

Referred to Committee on Constitution and Elections.

SENATE JOINT MEMORIAL NO. 108, by Senators Peterson and Lewis (Harry):

Memorializing the President and Congress to expand reforestation work on national forest lands.

Referred to Committee on Natural Resources.

SENATE JOINT RESOLUTION NO. 107, by Senators Morrison, Walgren, Rasmussen and Matson:

Requiring responsible delegation of legislative power.
Referred to Committee on Constitution and Elections

SENATE CONCURRENT RESOLUTION NO. 103, by Senators Peterson and Lewis (Harry):

Resolving to continue cooperation with other western states to coalesce positions relating to forest programs.
Referred to Committee on Natural Resources.

There being no objection, the rules were suspended and additional sponsors were permitted on the following Senate bills: 2330, 2334, 2340 and Senate Joint Resolution 107.

SECOND READING

SENATE BILL NO. 2097, by Senators Woody, Gould and Knoblauch (by State Parks and Recreation Committee request):

Changing period of enrollment and compensation for enrollees in the youth corps and reducing the time privately owned recreation areas developed by enrollees must be available to the public.

The Senate resumed consideration of Senate Bill No. 2097 on second reading. On January 29, 1975 the committee amendment to page 1, line 29 was adopted.

On motion of Senator Woody, the rules were suspended, Engrossed Senate Bill No. 2097 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Wilson: "Would Senator Woody yield to a question? Could you tell me the reason for the rather dramatic reduction in the law from forty to five years?"

Senator Woody: "Yes, Senator. The reason is that forty years, the Park Department has made overtures to various owners of property that would be very good utilization for campgrounds and they found no takers. No one was going to submit their property to a forty year public use. And on that basis they were asking that it be reduced down from forty to five years. At least five years."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2097, and the bill passed the Senate by the following vote: Yeas, 48; nays, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—48.

Voting nay: Senator Francis—1.

ENGROSSED SENATE BILL NO. 2097, having received the 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. 2199.

SECOND READING

SENATE BILL NO. 2011, by Senators Odegaard, Stortini, Rasmussen and Jolly: Changing certain school holidays to conform with state holidays.

The Senate resumed consideration of Senate Bill No. 2011. On January 29, 1975, the committee amendment to page 2, line 12 was adopted. Senator Fleming moved adoption of the following amendment at that time:

On page 1, section 1, line 12, after "Day;" and before "the third" insert "*the third Monday in January, being the anniversary of the birth of Martin Luther King, Jr.;*"

Senator Guess raised a Point of Order on the amendment on the previous day and further consideration of the bill was ordered held for today pending a Ruling by the President.

RULING BY THE PRESIDENT

The President: "In determining a ruling on the point of order presented by Senator Guess, the President finds that Senate Bill No. 2011 is a measure conforming school holidays and state holidays. The measure neither adds to nor subtracts from the number of existing holidays, nor changes the purpose for which the holiday is declared.

"The amendment proposed by Senator Fleming, however, does create an additional holiday and therefore does increase the scope and object of the bill.

"The amendment was previously proposed on May 8, 1971 as mentioned by Senator Fleming. That amendment was to House Bill No. 863, which was a measure creating a new holiday to honor famous Americans, including Martin Luther King, and the amendment to that measure did not increase the scope and object of House Bill No. 863, and the President so ruled. The amendment was withdrawn by Senator Fleming on May 10, 1971 and not acted upon by the Senate.

"The Point of Order as presented by Senator Guess is well taken."

The amendment proposed by Senator Fleming was ruled out of order.

On motion of Senator Murray, the following amendment by Senators Murray and Odegaard was adopted:

On page 1, line 24, after "taught" and before the period insert "*: PROVIDED FURTHER, That these aforementioned holiday dates are the only dates which may be recognized for each noted occasion, notwithstanding differences with federal recognition of any other date(s)*"

On motion of Senator Odegaard, the following committee amendment to the title was adopted:

In line 4 of the title before "declaring" strike "and", and on line 5 after "emergency" and before the period insert "; and making an effective date".

MOTION

On motion of Senator Odegaard the rules were suspended, Engrossed Senate Bill No. 2011 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. 2011, and the bill passed the Senate by the following vote: Yeas, 43; nays, 6.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Francis, Goltz, Gould, Guess, Henry, Herr, Jolly, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Wilson, Woody—43.

Voting nay: Senators Fleming, Grant, Jones, Murray, Newschwander, Washington—6.

ENGROSSED SENATE BILL NO. 2011, having received the 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 Mardesich, Senate Bill No. 2044 was ordered to hold its place on the second reading calendar for Monday, February 3, 1975.

CONFIRMATIONS OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Peterson, the appointment of AXEL JULIN as a member of the Forest Practices Appeals Board was confirmed.

APPOINTMENT OF AXEL JULIN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—49.

MOTION

On motion of Senator Peterson, the appointment of ROBERT SMART as a member of the Forest Practices Appeals Board was confirmed.

APPOINTMENT OF ROBERT SMART

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—49.

MOTION

On motion of Senator Peterson, the appointment of THOMAS O. WIMMER as a member of the Forest Practices Appeals Board was confirmed.

APPOINTMENT OF THOMAS O. WIMMER

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—49.

MOTION

On motion of Senator Washington, the appointment of CHRIS SMITH as a member of the Pollution Control Hearings Board was confirmed.

APPOINTMENT OF CHRIS SMITH

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—49.

SPECIAL ORDER OF BUSINESS

ENGROSSED HOUSE BILL NO. 31, by Representative Gallagher:
Authorizing class A counties to participate in urban renewal.

The time having arrived, the Senate resumed consideration of Engrossed House Bill No. 31 on third reading.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Would Senator Bottiger yield to a question? Senator Bottiger, what was your understanding that this particular legislation was going to be used for in our county?"

Senator Bottiger: "As I understand it, Senator Rasmussen, the sewer project out in the Parkland-Spanaway-Lakewood area is part of the federal matching money under this program, the federal matching money that is necessary, and as I understand it, this is the project that the commissioners have applied for and are stalled on."

Senator Rasmussen: "Thank you. With that understanding, it makes the bill a little more palatable."

Debate ensued.

POINT OF INQUIRY

Senator Talley: "Will Senator Rasmussen yield to a question? I think, Senator, while you and I were mayors of cities in Washington, the City of Tacoma under your mayorship, and your city manager, got more federal money for urban renewal than any city on the Pacific Coast. Isn't that true?"

Senator Rasmussen: "You are absolutely right. This was the greatest waste of money that I have seen in all my history as a public servant. I fought it at every step and we would be far better — in fact, let me say, Senator Talley, and I am glad you asked that question, the Secretary of the Treasury Simon has just requested of the Congress that they raise the federal debt by one hundred and four billion dollars. And the reason for it is because we have exceeded the federal debt which was set at four hundred and ninety-five billion. Now the financing of the federal debt at six hundred and four billion will be over sixty billion dollars a year, the carrying charges on the federal debt. Now if you think what you could do with sixty billion dollars to put people to work, it becomes a very serious question. What are we doing with our money? Spending it wisely or wasting it foolishly? And there can only be one answer. And I am very glad you asked me that question, Senator Talley. That was the greatest waste of the federal dollar that I have ever seen. And I am not condemning all federal projects. We do have many good projects; hospitals, roads, various other things, but some day we are going to have to take a very long look and the time is coming very close, as how we are wasting the federal dollars, and I cannot blame anyone but myself when I become a party to it by voting for the continuing waste."

Further debate ensued.

The President declared the question before the Senate to be the roll call on the final passage of Engrossed House Bill No. 31.

ROLL CALL

The Secretary called the roll and Engrossed House Bill No. 31 passed the Senate by the following vote: Yeas, 35; nays, 14.

Voting yea: Senators Bailey, Beck, Bluechel, Bottiger, Buffington, Donohue, Fleming, Francis, Goltz, Gould, Grant, Henry, Herr, Jolly, Keefe, Knoblauch, Lewis (Harry), Marsh, McDermott, Murray, Newschwander, North, Odegaard, Peterson, Ridder, Sandison, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—35.

Voting nay: Senators Benitz, Clarke, Cunningham, Day, Guess, Jones, Lewis (R. H. "Bob"), Mardesich, Matson, Morrison, Pullen, Rasmussen, Scott, Sellar—14.

ENGROSSED HOUSE BILL NO. 31, having received the 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 Fleming, Engrossed House Bill No. 31 was ordered immediately transmitted to the House.

MOTION

At 12:17 p.m., on motion of Senator Mardesich, the Senate adjourned until 11:00 a.m., Friday, January 31, 1975.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

NINETEENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, January 31, 1975.

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 Bottiger, Francis and Rasmussen. On motion of Senator Knoblauch, Senators Bottiger, Francis and Rasmussen were excused.

The Color Guard, consisting of Pages Kay Landerholm and Gregg Beebe, presented the Colors. Reverend George M. Mitchell, pastor of the First Christian Church of Olympia, offered the following prayer:

"ETERNAL GOD, WE COME IN PRAYER JUST NOW TO SEEK YOUR GUIDANCE AND WISDOM FOR THIS DAY'S DELIBERATIONS. AND WE ASK YOU TO GIVE EACH SENATOR NOT ONLY A SENSE OF THE WISHES OF THOSE CITIZENS WHOM HE REPRESENTS, BUT ALSO AN UNDERSTANDING OF YOUR WILL, IN EACH VOTE CAST. MAY HUMAN WELFARE BE ABOVE POLITICAL PREFERENCE OR INDIVIDUAL SELF-SEEKING, WHICH MAKE A MOCKERY OF OUR BOASTINGS ABOUT DEMOCRACY. MAY OUR UNITY BE GREATER THAN OUR DIFFERENCES AS WE SEEK RECONCILIATION WITH EACH OTHER AND WITH YOU. THROUGH CHRIST WE PRAY. AMEN."

MOTION

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

REPORTS OF STANDING COMMITTEES

January 30, 1975.

SENATE BILL NO. 2051, increasing professional engineering and land surveyor fees (reported by Committee on Commerce):

MAJORITY recommendation: Do pass.

Signed by: Senators Van Hollebeke, Chairman; Peterson, Ridder.

Passed to Committee on Rules for second reading.

January 28, 1975.

SENATE BILL NO. 2078, amending the motor vehicle code (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Walgren, Chairman; Henry, Vice Chairman; Beck, Bluechel, Bottiger, Guess, Jolly, Stortini, Wanamaker.

Passed to Committee on Rules for second reading.

January 31, 1975.

SENATE BILL NO. 2140, revising laws relating to industrial insurance (reported by Committee on Labor):

MAJORITY recommendation: Do pass and that the bill be referred to Committee on Ways and Means.

Signed by: Senators Ridder, Chairman; Bailey, Grant, von Reichbauer.

Referred to Committee on Ways and Means.

January 30, 1975.

SENATE BILL NO. 2141, authorizing travel expenses for transporting blind and deaf youth during weekends and vacations (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; Buffington, Cunningham, Goltz, Gould, McDermott, North, Pullen, Ridder, Van Hollebeke.

Passed to Committee on Rules for second reading.

January 30, 1975.

SENATE BILL NO. 2196, revising laws relating to rape (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Francis, Chairman; Buffington, Clarke, Fleming, Jones, Scott.

Passed to Committee on Rules for second reading.

January 30, 1975.

SENATE BILL NO. 2230, enacting a new criminal code relating to crimes against property (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Francis, Chairman; Buffington, Clarke, Fleming, Jones, Marsh, Scott.

Passed to Committee on Rules for second reading.

January 30, 1975.

SENATE BILL NO. 2266, changing deadline date for stockholders meetings of banks (reported by Committee on Financial Institutions):

MAJORITY recommendation: Do pass.

Signed by: Senators Woody, Chairman; Bluechel, Clarke, Jones, Mardesich, Walgren.

Passed to Committee on Rules for second reading.

January 30, 1975.

SENATE JOINT RESOLUTION NO. 101, creating a new judicial article in the Constitution of Washington (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Francis, Chairman; Buffington, Clarke, Fleming, Jones, Marsh, Scott, Van Hollebeke.

Passed to Committee on Rules for second reading.

January 30, 1975.

SUBSTITUTE HOUSE BILL NO. 37, setting forth dates special elections may be called (reported by Committee on Rules):

Recommends that the bill be referred to the Committee on Constitution and Elections.

Signed by: Lieutenant Governor Cherberg, Chairman; Senators Bailey, Bottiger, Clarke, Guess, Henry, Herr, Keefe, Lewis (Harry), Mardesich, Marsh, Matson, Newschwander, Talley.

Referred to Committee on Constitution and Elections.

GUBERNATORIAL APPOINTMENT

January 29, 1975.

STEWART BLEDSOE, to the position of Director of the Department of Agriculture, appointed by the Governor on January 10, 1973 for the term ending at the Governor's pleasure, succeeding Donald Moos (reported by the Committee on Agriculture):

Recommends said appointment be confirmed.
Signed by: Senators Jolly, Chairman; Benitz, Day, Sellar, Wilson.
Referred to Committee on Rules.

MESSAGES FROM THE HOUSE

January 30, 1975.

Mr. President: The House has passed:
ENGROSSED HOUSE BILL NO. 76,
HOUSE BILL NO. 130,
HOUSE BILL NO. 142, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

January 30, 1975.

Mr. President: The Speaker has signed SENATE BILL NO. 2199, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

January 31, 1975.

Mr. President: The Speaker has signed HOUSE BILL NO. 31, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

SIGNED BY THE PRESIDENT

The President Signed: HOUSE BILL NO. 31.

INTRODUCTION AND FIRST READING

SENATE BILL NO. 2341, by Senators Bottiger, Beck and Matson (by Utilities and Transportation Commission request):

An Act relating to the regulation of public service companies; and amending section 81.24.010, chapter 14, Laws of 1961 as last amended by section 6, chapter 210, Laws of 1969 ex. sess. and RCW 81.24.010.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 2342, by Senators Rasmussen, Henry and Wanamaker (by State Auditor request):

An Act relating to state audits of governmental associations; and adding new sections to chapter 43.09 RCW.

Referred to Committee on State Government.

SENATE BILL NO. 2343, by Senators Beck, Walgren and Stortini:

An Act relating to transportation; adding new sections to chapter 46.52 RCW; prescribing an effective date; and declaring an emergency.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 2344, by Senators Bluechel, Beck, Walgren and North:

An Act relating to motor vehicle fund distribution; and amending section 4, chapter 103, Laws of 1972 ex. sess. and RCW 47.30.050.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 2345, by Senators Stortini, Beck and Murray (by Washington Traffic Safety Commission request):

An Act relating to motor vehicles; providing for mandatory use of safety belts; adding new sections to chapter 46.37 RCW; and prescribing penalties.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 2346, by Senators Matson and Donohue (by Superintendent of Public Instruction request):

An Act relating to school district real property; amending section 28A.58.045, chapter 223, Laws of 1969 ex. sess. and RCW 28A.58.045; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.58 RCW; and repealing section 4, chapter 142, Laws of 1972 ex. sess. and RCW 28A.58.046.

Referred to Committee on Education.

SENATE BILL NO. 2347, by Senators Beck, Sellar and Walgren:

An Act relating to transportation; adding new sections to chapter 47.28 RCW; and declaring an emergency.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 2348, by Senators Walgren, Guess, Knoblauch and Beck:

An Act relating to transportation; amending section 35.77.010, chapter 7, Laws of 1965 as amended by section 27, chapter 83, Laws of 1967 ex. sess. and RCW 35.77.010; amending section 36.81.121, chapter 4, Laws of 1963 as amended by section 26, chapter 83, Laws of 1967 ex. sess. and RCW 36.81.121; prescribing an effective date; and declaring an emergency.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 2349, by Senators Day and Mardesich:

An Act relating to support of dependent children; and amending section 5, chapter 322, Laws of 1959 as last amended by section 1, chapter 183, Laws of 1973 1st ex. sess. and RCW 74.20.040.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2350, by Senators Walgren, Bottiger, Guess, Knoblauch, Beck and Sellar:

An Act relating to transportation; amending section 86, chapter 155, Laws of 1965 ex. sess. and RCW 46.04.071; amending section 46.04.670, chapter 12, Laws of 1961 and RCW 46.04.670; and adding a new section to chapter 46.08 RCW.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 2351, by Senator Rasmussen:

An Act relating to the state bar; and adding a new section to chapter 2.48 RCW.

Referred to Judiciary Committee.

SENATE BILL NO. 2352, by Senator Rasmussen:

An Act relating to government; and amending section 35.63.070, chapter 7, Laws of 1965 and RCW 35.63.070.

Referred to Committee on Local Government.

SENATE BILL NO. 2353, by Senators Grant and Bottiger:

An Act relating to driver's licenses; and amending section 1, chapter 5, Laws of 1973 and RCW 46.20.391.

Referred to Judiciary Committee.

SENATE BILL NO. 2354, by Senators Marsh, Day and Newschwander:

An Act relating to the Washington state board of dental examiners; amending section 2, chapter 112, Laws of 1935 as last amended by section 2, chapter 93, Laws of 1953 and RCW 18.32.035; amending section 5, chapter 93, Laws of 1953 as last

amended by section 2, chapter 49, Laws of 1969 and RCW 18.32.120; and declaring an emergency.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2355, by Senators Grant and von Reichbauer:

An Act relating to state government; and adding a new chapter to Title 43 RCW.

Referred to Committee on State Government.

SENATE BILL NO. 2356, by Senators Matson, Newschwander, Lewis (Harry) and Morrison (by Executive request):

An Act relating to state publications; amending section 1, chapter 27, Laws of 1971 ex. sess. as amended by section 17, chapter 288, Laws of 1971 ex. sess. and RCW 36.21.015; amending section 5, chapter 16, Laws of 1967 ex. sess. and RCW 43.03.140; amending section 2, chapter 189, Laws of 1971 ex. sess. and RCW 43.20A.360; amending section 3, chapter 63, Laws of 1971 ex. sess. as amended by section 1, chapter 61, Laws of 1973 and RCW 74.13.106; amending section 4, chapter 18, Laws of 1935 as last amended by section 3, chapter 297, Laws of 1971 ex. sess. and RCW 88.16.070; adding new sections to chapter 239, Laws of 1969 ex. sess. and to chapter 43.41 RCW; repealing section 23, chapter 62, Laws of 1973, section 28B.50.570, chapter 223, Laws of 1969 ex. sess. and RCW 28B.50.570; repealing section 7, chapter 287, Laws of 1971 ex. sess. and RCW 43.120.900; repealing section 8, chapter 287, Laws of 1971 ex. sess. and RCW 43.120.910; repealing section 15, chapter 308, Laws of 1961 and RCW 44.36.150; repealing section 8, chapter 85, Laws of 1970 ex. sess., section 18, chapter 195, Laws of 1971 ex. sess. and RCW 44.40.026; repealing section 106, chapter 175, Laws of 1895 and RCW 45.68.020; repealing section 57, chapter 281, Laws of 1969 ex. sess. and RCW 47.16.220; repealing section 15, chapter 96, Laws of 1961 and RCW 47.42.150; repealing section 2, chapter 149, Laws of 1971 ex. sess. and RCW 47.60.520; and repealing section 33, chapter 286, Laws of 1971 ex. sess. and RCW 90.58.330.

Referred to Committee on State Government.

SENATE BILL NO. 2357, by Senators Van Hollebeke and Ridder:

An Act relating to revenue and taxation; and amending section 4, chapter 44, Laws of 1971 ex. sess. and RCW 84.40.370.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2358, by Senators Van Hollebeke and Ridder:

An Act relating to revenue and taxation; and amending section 11, chapter 288, Laws of 1971 ex. sess. and RCW 84.48.140.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2359, by Senators Rasmussen, Donohue and Morrison:

An Act relating to salaries of certain public officials; amending section 43.03.028, chapter 8, Laws of 1965 as last amended by section 2, chapter 43, Laws of 1970 ex. sess. and RCW 43.03.028; and amending section 43.03.040, chapter 8, Laws of 1965 as amended by section 3, chapter 43, Laws of 1970 ex. sess. and RCW 43.03.040.

Referred to Committee on State Government.

SENATE BILL NO. 2360, by Senator Goltz (by Executive request):

An Act relating to the designation of certain institutions of higher education; and including the correction of certain obsolete references thereto; amending section 28B.40.010, chapter 223, Laws of 1969 ex. sess. and RCW 28B.40.010; amending section 28B.40.100, chapter 223, Laws of 1969 ex. sess. as amended by section 11, chapter 62, Laws of 1973 and RCW 28B.40.100; amending section 28B.40.105, chapter 223, Laws of 1969 ex. sess. and RCW 28B.40.105; amending section 28B.40.110, chapter 223, Laws of 1969 ex. sess. and RCW 28B.40.110; amending section 28B.40.115, chapter 223, Laws of 1969 ex. sess. and RCW 28B.40.115; amending section 28B.40.120, chapter 223, Laws of 1969 ex. sess. and RCW 28B.40.120; amending sec-

tion 28B.40.130, chapter 223, Laws of 1969 ex. sess. and RCW 28B.40.130; amending section 28, chapter 15, Laws of 1970 ex. sess. and RCW 28B.40.190; amending section 28B.40.200, chapter 223, Laws of 1969 ex. sess. and RCW 28B.40.200; amending section 28B.40.210, chapter 223, Laws of 1969 ex. sess. and RCW 28B.40.210; amending section 28B.40.220, chapter 223, Laws of 1969 ex. sess. and RCW 28B.40.220; amending section 2, chapter 196, Laws of 1969 ex. sess. and RCW 28B.40.225; amending section 1, chapter 28, Laws of 1971 ex. sess. as amended by section 1, chapter 14, Laws of 1974 ex. sess. and RCW 28B.40.226; amending section 28B.40.230, chapter 223, Laws of 1969 ex. sess. and RCW 28B.40.230; amending section 28B.40.300, chapter 223, Laws of 1969 ex. sess. and RCW 28B.40.300; amending section 28B.40.305, chapter 223, Laws of 1969 ex. sess. and RCW 28B.40.305; amending section 28B.40.310, chapter 223, Laws of 1969 ex. sess. and RCW 28B.40.310; amending section 28B.40.315, chapter 223, Laws of 1969 ex. sess. and RCW 28B.40.315; amending section 28B.40.350, chapter 223, Laws of 1969 ex. sess. and RCW 28B.40.350; amending section 28B.40.380, chapter 223, Laws of 1969 ex. sess. as amended by section 155, chapter 176, Laws of 1969 ex. sess. and RCW 28B.40.380; amending section 28B.40.390, chapter 223, Laws of 1969 ex. sess. and RCW 28B.40.390; amending section 28B.40.400, chapter 223, Laws of 1969 ex. sess. and RCW 28B.40.400; amending section 28B.40.820, chapter 223, Laws of 1969 ex. sess. and RCW 28B.40.820; amending section 28B.10.015, chapter 223, Laws of 1969 ex. sess. and RCW 28B.10.015; amending section 28B.10.020, chapter 223, Laws of 1969 ex. sess. and RCW 28B.10.020; amending section 4, chapter 176, Laws of 1974 ex. sess. and RCW 28B.10.025; amending section 28B.10.050, chapter 223, Laws of 1969 ex. sess. and RCW 28B.10.050; amending section 28B.10.140, chapter 223, Laws of 1969 ex. sess. and RCW 28B.10.140; amending section 1, chapter 40, Laws of 1971 ex. sess. and RCW 28B.10.180; amending section 28B.10.280, chapter 223, Laws of 1969 ex. sess. as last amended by section 27, chapter 15, Laws of 1970 ex. sess. and RCW 28B.10.280; amending section 10, chapter 269, Laws of 1969 ex. sess. and RCW 28B.10.290; amending section 28B.10.300, chapter 223, Laws of 1969 ex. sess. as amended by section 1, chapter 130, Laws of 1973 1st ex. sess. and RCW 28B.10.300; amending section 1, chapter 258, Laws of 1971 ex. sess. and RCW 28B.10.350; amending section 28B.10.400, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 149, Laws of 1973 1st ex. sess. and RCW 28B.10.400; amending section 28B.10.405, chapter 223, Laws of 1969 ex. sess. as last amended by section 2, chapter 149, Laws of 1973 1st ex. sess. and RCW 28B.10.405; amending section 28B.10.410, chapter 223, Laws of 1969 ex. sess. as last amended by section 3, chapter 149, Laws of 1973 1st ex. sess. and RCW 28B.10.410; amending section 28B.10.415, chapter 223, Laws of 1969 ex. sess. as last amended by section 4, chapter 149, Laws of 1973 1st ex. sess. and RCW 28B.10.415; amending section 5, chapter 261, Laws of 1971 ex. sess. and RCW 28B.10.417; amending section 28B.10.420, chapter 223, Laws of 1969 ex. sess. as amended by section 5, chapter 149, Laws of 1973 1st ex. sess. and RCW 28B.10.420; amending section 28B.10.500, chapter 223, Laws of 1969 ex. sess. and RCW 28B.10.500; amending section 28B.10.525, chapter 223, Laws of 1969 ex. sess. and RCW 28B.10.525; amending section 28B.10.550, chapter 223, Laws of 1969 ex. sess. and RCW 28B.10.550; amending section 28B.10.560, chapter 223, Laws of 1969 ex. sess. and RCW 28B.10.560; amending section 28B.10.600, chapter 223, Laws of 1969 ex. sess. and RCW 28B.10.600; amending section 28B.10.605, chapter 223, Laws of 1969 ex. sess. and RCW 28B.10.605; amending section 28B.10.640, chapter 223, Laws of 1969 ex. sess. and RCW 28B.10.640; amending section 28B.10.650, chapter 223, Laws of 1969 ex. sess. and RCW 28B.10.650; amending section 28B.10.700, chapter 223, Laws of 1969 ex. sess. and RCW 28B.10.700; amending section 2, chapter 28, Laws of 1971 ex. sess. and RCW 28B.10.703; amending section 1, chapter 279, Laws of 1971 ex. sess. and RCW 28B.15.005; amending section 28B.15.020, chapter 223, Laws of 1969 ex. sess. and RCW 28B.15.020; reenacting and amending section 3, chapter 279, Laws of 1971 ex. sess. as amended by section 1, chapter 46, Laws of 1973 1st ex. sess. and section 2, chapter 130, Laws of 1973 1st ex. sess. and RCW 28B.15.041; amending section 28B.15.100, chapter 223, Laws of 1969

ex. sess. as amended by section 5, chapter 279, Laws of 1971 ex. sess. and RCW 28B.15.100; amending section 28B.15.380, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 191, Laws of 1973 1st ex. sess. and RCW 28B.15.380; amending section 28B.15.400, chapter 223, Laws of 1969 ex. sess. as last amended by section 9, chapter 279, Laws of 1971 ex. sess. and RCW 28B.15.400; amending section 11, chapter 279, Laws of 1971 ex. sess. and RCW 28B.15.530; amending section 28B.15.600, chapter 223, Laws of 1969 ex. sess. as last amended by section 2, chapter 46, Laws of 1973 1st ex. sess. and RCW 28B.15.600; amending section 2, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.020; amending section 2, chapter 57, Laws of 1971 ex. sess. and RCW 28B.19.020; amending section 4, chapter 277, Laws of 1969 ex. sess. and RCW 28B.80.040; amending section 2, chapter 194, Laws of 1937 and RCW 17.08.020; amending section 6, chapter 152, Laws of 1919 and RCW 17.12.060; amending section 2, chapter 156, Laws of 1947 and RCW 17.24.110; amending section 2, chapter 216, Laws of 1941 and RCW 27.44.020; amending section 7, chapter 66, Laws of 1970 ex. sess. and RCW 39.90.060; amending section 4, chapter 150, Laws of 1941 as last amended by section 1, chapter 33, Laws of 1973 and RCW 40.04.040; amending section 5, chapter 150, Laws of 1941 as amended by section 2, chapter 33, Laws of 1973 and RCW 40.04.090; amending section 4, chapter 233, Laws of 1963 and RCW 40.06.040; amending section 5, chapter 195, Laws of 1974 ex. sess. and RCW 41.40.515; amending section 6, chapter 195, Laws of 1974 ex. sess. and RCW 41.40.516; amending section 7, chapter 195, Laws of 1974 ex. sess. and RCW 41.40.517; amending section 9, chapter 195, Laws of 1974 ex. sess. and RCW 41.40.519; amending section 10, chapter 195, Laws of 1974 ex. sess. and RCW 41.40.520; amending section 11, chapter 195, Laws of 1974 ex. sess. and RCW 41.40.521; amending section 1, chapter 142, Laws of 1965 ex. sess. as amended by section 3, chapter 152, Laws of 1969 ex. sess. and RCW 41.60.010; amending section 43.79.150, chapter 8, Laws of 1965 and RCW 43.79.150; amending section 43.79.180, chapter 8, Laws of 1965 and RCW 43.79.180; amending section 43.79.304, chapter 8, Laws of 1965 and RCW 43.79.304; amending section 43.79.314, chapter 8, Laws of 1965 and RCW 43.79.314; amending section 43.79.324, chapter 8, Laws of 1965 and RCW 43.79.324; amending section 43.88.110, chapter 8, Laws of 1965 and RCW 43.88.110; amending section 43.88.160, chapter 8, Laws of 1965 as last amended by section 1, chapter 104, Laws of 1973 and RCW 43.88.160; amending section 1, chapter 248, Laws of 1969 ex. sess. and RCW 43.88.195; amending section 43.92.050, chapter 8, Laws of 1965 and RCW 43.92.050; amending section 3, chapter 76, Laws of 1972 ex. sess. and RCW 43.125.030; amending section 69.32.030, chapter 27, Laws of 1959 and RCW 69.32.030; amending section 72.01.180, chapter 28, Laws of 1959 and RCW 72.01.180; amending section 82.12.030, chapter 15, Laws of 1961 as last amended by section 2, chapter 185, Laws of 1974 ex. sess. and RCW 82.12.030; amending section 5, chapter 51, Laws of 1923 and RCW 87.25.050; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.40 RCW; and creating new sections.

Referred to Committee on Higher Education.

SENATE BILL NO. 2361, by Senators Stortini, Ridder, Beck and Grant:

An Act relating to the hours of employment; adding new sections to chapter 49.28 RCW; defining crimes; and prescribing penalties.

Referred to Committee on Labor.

SENATE JOINT RESOLUTION NO. 108, by Senators Bluechel, North and Francis (by Executive request):

Abolishing the office of secretary of state.

Referred to Committee on State Government.

There being no objection, the rules were suspended and additional sponsors were permitted on the following Senate Bills: 2344, 2348, 2350, 2356 and 2361.

ENGROSSED HOUSE BILL NO. 76, by Representatives Fortson, Lysen, Chandler and Erickson:

Providing a deputy registrar in each public school.

Referred to Committee on Constitution and Elections.

HOUSE BILL NO. 130, by Representatives Bagnariol and Shinpoch:

Changing procedure for certifying small claims judgments.

Referred to Judiciary Committee.

HOUSE BILL NO. 142, by Representatives Hayner, Knowles and Eikenberry:

Requiring that a copy of every adverse decision and order in administrative proceedings be transmitted to the party's attorney of record.

Referred to Judiciary Committee.

SECOND READING

SENATE BILL NO. 2041, by Senator Knoblauch:

Requiring counties to retain an easement or right to exercise and grant easements whenever a county road or any portion thereof is vacated.

REPORT OF STANDING COMMITTEE

January 24, 1975.

SENATE BILL NO. 2041, requiring counties to retain an easement or right to exercise and grant easements whenever a county road or any portion thereof is vacated (reported by Committee on Local Government):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 7, after "body" and before "include" strike "shall" and insert "may".

On page 1, beginning on line 8, after "easement" and before "in" and on line 9, strike "or right to exercise and grant easements".

Signed by: Senators Fleming, Chairman; Jolly, Lewis (R. H. "Bob"), McDermott, North, Sellar, Talley, Wilson.

The bill was read the second time by sections.

On motion of Senator Fleming, the committee amendments were adopted.

Senator Fleming moved adoption of the following amendment by Senators Fleming and Mardesich:

On page 1, line 11, after "services" and before the period insert "which at the time the resolution is adopted are physically upon a portion of the land being vacated: PROVIDED, That the legislative body shall not convey such easement to any public utility or other entity or person but may convey a permit or franchise to a public utility to effectuate the intent of this section."

POINT OF INQUIRY

Senator Clarke: "Would the Senator yield? I have this possible concern here with the wording which says, 'which at the time the resolution is adopted are physically upon a portion of the land being vacated.' Now are there not situations where, for instance, there will be an existing utility easement for natural gas and the pipe has not as yet been put in and they will want to, in the future, as additional residences perhaps either get built or they want to convert over, they will want to install a new pipeline there. Now would not your wording prevent perpetually that from being done?"

Senator Fleming: "No, to my understanding of the amendment and the intent, that would not because they already have that existing situation and they would still be able to come in there. But the language is trying to make sure that if they did not have it, that they would not be granted anything in addition to that. The difference in this, and I checked this with the utility companies and they said the amendment was okay."

Senator Clarke: "Senator, then what is the meaning of the wording 'are physically upon a portion of the land being vacated'?"

Senator Fleming: "First of all, when you are vacating land, for instance, someone said — I know Senator Bailey was worried about it — how does the Highway Department operate under this situation? And the difference is what when the county comes down with that road, the two abutting pieces of land owned by private individuals, they do not own that land. They have that easement through there, that right-of-way. On the Highway Department, they usually own the land so they usually sell it and they do not vacate it. And so that is what we are trying to look at here. that if the utilities did not have an existing franchise at the time that this resolution was passed and they wanted to come in as a new, then they would have to deal, after the land was vacated, with the property owners."

Senator Clarke: "The legislative intent would not be to prohibit the future installation of a gas pipeline which does not presently exist?"

REMARKS BY SENATOR MARDESICH

Senator Mardesich: "Mr. President, if I might address myself to the problem for just a moment, you will note that line 10 starts out 'construction' so I take it would include that. However, I would think there would be nothing wrong with an amendment to the amendment changing it so that it would read, 'which at the time the resolution is adopted are authorized or', which solves everybody's problem."

On motion of Senator Fleming, the following amendment to the amendment by Senators Fleming and Mardesich was adopted:

On line 2 of the amendment, after "adopted are" insert "authorized or".

POINT OF INQUIRY

Senator Lewis (Harry): "Will Senator Fleming yield? Senator, in the next to the last line of your amendment, you are talking about the legislative body shall not convey the easement to any public utility or other entity or person. How restrictive is that, is what I am really asking you."

Senator Fleming: "It is only restricted to what the bill is doing when the county decides to vacate a road in that area. And what they are saying is, we do not convey easement to utilities at the present time. They contract and they franchise, and an easement is a little, a step higher that you are granting that they have at the existing time."

Senator Lewis (Harry): "Could that be interpreted to mean that the county could not convey an easement to a person? If you are vacating a road. . . ."

Senator Fleming: "They could not convey an easement. . . ."

Senator Lewis (Harry): "To a person."

Senator Fleming: "To anyone, from my understanding, if it is not existing. We are talking about existing. After they vacate the road."

Senator Mardesich: "If I might interject again, Senator, I think if you look to the lines 9 and 10 which relate to the construction, repair and maintenance of public utilities and services. I think they could still grant an easement to a private party for a private purpose but not with respect to a public."

Senator Lewis (Harry): "Right. I understand that. That was the point of my question, for the record, to make sure that we did not change that present procedure which is now possible for them to do."

Senator Fleming: "Right. Okay."

Senator Lewis (Harry): "The answer is then Senator Fleming, as I understand it, that the counties could still convey to a person."

Senator Fleming: "Yes, if it is not in relation to public utility."

Senator Lewis (Harry): "Yes. Thank you."

Senator Fleming: "It is."

REMARKS BY SENATOR VAN HOLLEBEKE

Senator Van Hollebeke: "In regard to Senator Lewis's question, I think the answer is they cannot grant an easement to a private party after the vacation. By virtue of vacating they are giving up title to the property. They perhaps never had title but they had

a right-of-way. Could go either way. If they had just the right-of-way or title to the property, but in any case, once they vacate they will not be able to grant an easement to a private party.

REMARKS BY SENATOR WOODY

Senator Woody: "To follow up on that, since the language uses 'county retains an easement.' title to property is sort of like a bundle of sticks and this is just a few of the sticks in the bundle is the easement. And at that point if there is a retention of an easement and Puget Sound Power and Light, which is a private organization, then wants to construct a public utilities line across it, the county will have to charge a reasonable amount for the usage. Otherwise, it will be an unconstitutional gift to a private organization."

REMARKS BY SENATOR FLEMING

Senator Fleming: "Senator Lewis, and it resorts back to what I indicated to Senator Clarke when I started off. Once it is vacated, then they would have to deal with the two abutting pieces of property to that area and not with the county."

The motion by Senator Fleming carried and the amendment, as amended, was adopted.

Senator Fleming moved adoption of the following amendment by Senators Fleming and Mardesich:

On page 1, line 12, strike "mean" and before "every" insert "include utilities owned, operated, or maintained by".

POINT OF INQUIRY

Senator Woody: "Senator Fleming, would you yield? For purposes of legislative intent, is it or is it not the intent that there would be a charge by the county to a private utility in the event that a private utility is the beneficiary of such an easement?"

Senator Fleming: "Yes it would, because presently they franchise a contract for the right to go in on that easement."

Senator Woody: "It is the legislative intent then, at least from your committee, that there would be a charge for this."

MOTION

On motion of Senator Mardesich, Senate Bill No. 2041, together with the adopted committee amendments and the amendment by Senators Fleming and Mardesich to page 1, line 11, as amended, and the amendment by Senators Fleming and Mardesich to page 1, line 12 which was moved for adoption, was ordered held for further consideration on Monday, February 3, 1975.

SECOND READING

SENATE BILL NO. 2021, by Senators Fleming, Jolly, Talley, Lewis (R. H. "Bob"), Murray, Ridder, Beck and Sellar (by request of Committee on Local Government of the 43rd Legislature):

Allowing cities and counties to set building permit fees.

The bill was read the second time by sections.

On motion of Senator Fleming, the rules were suspended and Senate Bill No. 2021 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Bailey: "Would Senator Fleming yield? Senator Fleming, I should know this but I would like to ask you if these fees pay for the cost of the building inspection?"

Senator Fleming: "From my understanding they do, and one of the things is that, like in Seattle, if these fees were to be maintained as the building code mandated them, then they would not be able to maintain their high standards of inspection."

Senator Bailey: "Senator Fleming, then if we allow cities and counties to reduce

the fees, does that mean that the state appropriation to maintain the building code will have to be increased out of the general fund or anything of that sort?"

Senator Fleming: "From my understanding of it, that was not indicated to me. It was indicated to me that these smaller counties would be able to maintain under the present situation but the fees that we have mandated in the bill were just a little too excessive."

Senator Bailey: "I am still seeking an answer to something else. If we allow cities and counties to lower the fees and they maybe do not raise enough to pay their inspector, is there any liability to the state to pick up out of those dedicated funds the additional cost of the inspector, or will it mean that the rest of the state has to raise the inspection fee in order to have sufficient money in the dedicated fund to pay for the necessary inspections?"

Senator Fleming: "From my understanding that is not the case but that does not preclude them, if that situation develops, from coming back to the legislature asking such."

MOTION

On motion of Senator Lewis (Harry), the rules were suspended and Senate Bill No. 2021 was returned to second reading.

Senator Lewis (Harry) served notice that he would, Monday, February 3, 1975, propose an amendment to Senate Bill No. 2021.

MOTION

On motion of Senator Mardesich, Senate Bill No. 2021 was ordered to hold its place on second reading for Monday, February 3, 1975.

The President announced the presence in the Capitol Rotunda of Mr. Norwin Burbidge, Executive Director of the Washington State Bicentennial Commission and the Mount Vernon Militia.

APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators Lewis (Harry), Washington and Beck, Senate members of the American Revolution Bicentennial Committee, to escort the honored guest to the rostrum.

The President introduced Senator Washington who in turn introduced Mr. Norwin Burbidge.

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

Mr. Burbidge introduced the Mount Vernon Militia and they presented a brief program.

MOTION

Senator Knoblauch moved adoption of the following resolution:

SENATE RESOLUTION 1975-9

By Senators Bailey, Newschwander and Knoblauch:

WHEREAS, The year 1976 is the Bicentennial Anniversary of our country; and
 WHEREAS, The Forty-fourth Legislature will span the Bicentennial years; and
 WHEREAS, The Legislature has created the Washington State American Revolution Bicentennial Commission which is coordinating the State of Washington's participation in encouraging volunteer Bicentennial events throughout the state; and
 WHEREAS, Hundreds of citizens have already signified enthusiastic interest in focusing on the heritage of the past to bring vitality to the present and vision to the future; and

WHEREAS, Such devotion has already manifested itself by the successful record of the Commission; and

WHEREAS, Members and employees of the Commission are encouraged to con-

tinue to make the Bicentennial Anniversary exciting and informative in festivals in hundreds of communities; and

WHEREAS, The dedication exemplified by the Commission is in the finest tradition of America;

NOW, THEREFORE, BE IT RESOLVED, By the Senate, that the members of the Bicentennial Legislature commend and salute the Washington State American Revolution Bicentennial Commission and the many citizens in local communities who are now working to revitalize the Spirit of '76 as they look to the horizons ahead; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate transmit copies of this resolution to each member of the Commission.

Appropriate remarks concerning the Bicentennial were made by Senators Knoblauch and Guss.

The motion of Senator Knoblauch carried and the resolution was unanimously adopted.

The special committee escorted the honored guests from the Senate Chamber and the committee retired.

MOTION

At 12:05 p.m., on motion of Senator Mardesich, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.

MOTION

At 1:35 p.m., on motion of Senator Walgren, the Senate adjourned until 1:00 p.m., Monday, February 3, 1975

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

TWENTY-SECOND DAY

AFTERNOON SESSION

Senate Chamber, Olympia, Monday, February 3, 1975.

The Senate was called to order at 1:00 p.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senator Day, Gould, Lewis (Harry), Matson and Newschwander. On motion of Senator Knoblauch, Senator Day was excused. On motion of Senator Lewis (R. H. "Bob"), Senators Gould, Lewis (Harry) and Matson were excused.

The Color Guard, consisting of Pages Ellen Bishop and Joe Blanchard, presented the Colors. Reverend Richard Holmes, pastor of the Lutheran Church of Marysville, Washington, offered the following prayer:

"FATHER IN HEAVEN, WE BEGIN THIS WEEK WITH HIGH EXPECTATIONS FOR THE WELFARE OF THE PEOPLE OF WASHINGTON. WE THANK YOU FOR THE VARIED GIFTS AND TALENTS YOU HAVE GIVEN THESE LAWMAKERS, WHICH WILL HELP MAKE THESE EXPECTATIONS REALITIES: THE GIFT OF KNOWLEDGE, WISDOM, TEACHING AND UNDERSTANDING AND THE TALENTS TO LISTEN, DEBATE, RESEARCH AND COMPROMISE. HEAVENLY FATHER, YOU HAVE GIVEN US THE FREEDOM TO MAKE DECISIONS IN ALL THINGS, THUS TO ESTABLISH NEW LAWS, DIRECT US TO ACKNOWLEDGE YOU AS A CREATOR AND GUIDE US IN MAKING THESE DECISIONS. MAKE US ALSO MINDFUL OF YOUR WILL FOR JUSTICE, PEACE, FREEDOM, AND A SENSE OF LOVE AND CONCERN FOR ALL PEOPLE. IN ALL CIRCUMSTANCES, HELP US TO BE RECONCILED TO ONE ANOTHER REMINDING US THAT WE ARE ALL FALLIBLE HUMAN BEINGS, IN NEED OF EACH OTHER'S UNDERSTANDING. IN CLOSING, WE ASK YOUR BLESSING UPON THE GOVERNOR AND HIS ADMINISTRATION, THE HOUSE OF REPRESENTATIVES, THIS SENATE, AND ALL THOSE WHO PARTICIPATE IN THE GOVERNING OF THIS STATE. ALL THESE THINGS AND WHATEVER ELSE THOU SEEST WE NEED, GRANT UNTO US, O LORD. IN YOUR NAME WE PRAY. AMEN.

MOTION

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

REPORTS OF STANDING COMMITTEES

February 3, 1975.

SENATE BILL NO. 2107, establishing interest rate for tort judgments against governmental agencies (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Buffington, Clarke, Jones, Marsh, Woody.
Passed to Committee on Rules for second reading.

January 23, 1975.

SENATE BILL NO. 2132, regulating wild, scenic and recreational rivers (reported by Committee on Ecology):

MAJORITY recommendation: That Substitute Senate Bill No. 2132 be substituted therefor and the substitute bill do pass.

Signed by: Senators Washington, Chairman; Donohue, Goltz, Murray, North, Sandison.

Passed to Committee on Rules for second reading.

January 30, 1975.

SENATE BILL NO. 2206, requiring the superintendent of Interlake to be a physician (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; von Reichbauer, Vice Chairman; Buffington, Goltz, Gould, McDermott, North, Pullen.

Passed to Committee on Rules for second reading.

February 3, 1975.

SENATE BILL NO. 2256, revising laws relating to remuneration of judges (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Buffington, Clarke, Jones, Van Hollebeke, Woody.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE GOVERNOR

January 31, 1975.

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

LADIES AND GENTLEMEN:

I have the honor to advise that on January 31, 1975, Governor Evans approved the following Senate Bill, entitled:

SENATE BILL NO. 2199: Making certain changes in the laws relating to unemployment compensation.

Sincerely,
Chi-Dooh Li
Legal Counsel

INTRODUCTION AND FIRST READING

SENATE BILL NO. 2362, by Senators Matson, Bottiger and Beck (by Utilities and Transportation Commission request):

An Act relating to public service companies; amending section 80.16.010, chapter 14, Laws of 1961 and RCW 80.16.010; and 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.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 2363, by Senators Day, Murray, Fleming and Cunningham (by Executive request):

An Act relating to the board of prison terms and paroles; amending section 3, chapter 114, Laws of 1935 as amended by section 13, chapter 134, Laws of 1967 and RCW 9.95.170; amending section 3, chapter 227, Laws of 1957 as amended by section 15, chapter 134, Laws of 1967 and RCW 9.95.200; amending section 4, chapter 227, Laws of 1957 as last amended by section 1, chapter 29, Laws of 1969 and RCW 9.95.210; amending section 8, chapter 227, Laws of 1957 as amended by section 17, chapter 134, Laws of 1967 and RCW 9.95.250; adding new sections to chapter 9.95 RCW; repealing section 9, chapter 340, Laws of 1955, section 1, chapter 32, Laws of 1959, section 9, chapter 98, Laws of 1969 and RCW 9.95.003; repealing section 10, chapter 340, Laws of 1955, section 2, chapter 32, Laws of 1959 and RCW 9.95.005; repealing section 3, chapter 32, Laws of 1959 and RCW 9.95.007; repealing 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; repealing section 2, chapter 158, Laws of 1929 and RCW 9.95.032; repealing section 5, chapter 133, Laws of 1955, section 2, chapter 138, Laws of 1961 and RCW 9.95.040; repealing section 7, chapter 133, Laws of 1955, section 10,

chapter 200, Laws of 1967, section 46, chapter 81, Laws of 1971 and RCW 9.95.060; repealing section 9, chapter 133, Laws of 1955, section 1, chapter 106, Laws of 1961, section 1, chapter 68, Laws of 1972 ex. sess. and RCW 9.95.080; repealing section 10, chapter 133, Laws of 1955 and RCW 9.95.090; repealing section 11, chapter 133, Laws of 1955 and RCW 9.95.100; repealing section 12, chapter 133, Laws of 1955 and RCW 9.95.110; repealing section 13, chapter 133, Laws of 1955, section 2, chapter 106, Laws of 1961, section 2, chapter 98, Laws of 1969 and RCW 9.95.120; repealing section 3, chapter 98, Laws of 1969 and RCW 9.95.121; repealing section 4, chapter 98, Laws of 1969 and RCW 9.95.122; repealing section 5, chapter 98, Laws of 1969 and RCW 9.95.123; repealing section 6, chapter 98, Laws of 1969 and RCW 9.95.124; repealing section 7, chapter 98, Laws of 1969 and RCW 9.95.125; repealing section 14, chapter 133, Laws of 1955 and RCW 9.95.130; repealing section 16, chapter 133, Laws of 1955 and RCW 9.95.150; repealing section 7, chapter 114, Laws of 1935, section 14, chapter 134, Laws of 1967 and RCW 9.95.260; and declaring effective dates.

Referred to Judiciary Committee.

SENATE BILL NO. 2364 by Senators Ridder, Grant and Lewis (Harry) (by Department of Labor and Industries request):

An Act relating to industrial welfare; amending section 17, chapter 16, Laws of 1973 2nd ex. sess. and RCW 49.12.185.

Referred to Committee on Labor.

SENATE BILL NO. 2365, by Senators Rasmussen, Newschwander and Cunningham:

An Act relating to self defense; and adding a new section to chapter 9.01 RCW.

Referred to Judiciary Committee.

SENATE BILL NO. 2366, by Senator Grant:

An Act relating to industrial insurance; amending section 51.04.030, chapter 23, Laws of 1961 as amended by section 74, chapter 289, Laws of 1971 ex. sess. and RCW 51.04.030; amending section 67, chapter 289, Laws of 1971 ex. sess. as amended by section 37, chapter 43, Laws of 1972 ex. sess. and RCW 51.04.110; amending section 51.12.070, chapter 23, Laws of 1961 as last amended by section 81, chapter 289, Laws of 1971 ex. sess. and RCW 51.12.070; amending section 51.12.100, chapter 23, Laws of 1961 as amended by section 11, chapter 43, Laws of 1972 ex. sess. and RCW 51.12.100; amending section 51.12.110, chapter 23, Laws of 1961 as amended by section 85, chapter 289, Laws of 1971 ex. sess. and RCW 51.12.110; amending section 82, chapter 289, Laws of 1971 ex. sess. as amended by section 12, chapter 43, Laws of 1972 ex. sess. and RCW 51.12.120; amending section 26, chapter 289, Laws of 1971 ex. sess. and RCW 51.14.010; amending section 30, chapter 289, Laws of 1971 ex. sess. and RCW 51.14.050; amending section 51.16.060, chapter 23, Laws of 1961 as last amended by section 1, chapter 32, Laws of 1973 1st ex. sess. and RCW 51.16.060; amending section 51.16.105, chapter 23, Laws of 1961 as last amended by section 8, chapter 52, Laws of 1973 1st ex. sess. and RCW 51.16.105; amending section 51.16.140, chapter 23, Laws of 1961 as last amended by section 2, chapter 110, Laws of 1973 and RCW 51.16.140; amending section 51.24.010, chapter 23, Laws of 1961 as last amended by section 93, chapter 154, Laws of 1973 1st ex. sess. and RCW 51.24.010; amending section 51.28.020, chapter 23, Laws of 1961 as amended by section 38, chapter 289, Laws of 1971 ex. sess. and RCW 51.28.020; amending section 51.28.030, chapter 23, Laws of 1961 as last amended by section 17, chapter 43, Laws of 1972 ex. sess. and RCW 51.28.030; amending section 1, chapter 30, Laws of 1974 ex. sess. and RCW 51.32.040; amending section 46, chapter 289, Laws of 1971 ex. sess. and RCW 51.32.055; amending section 12, chapter 289, Laws of 1971 ex. sess. as amended by section 23, chapter 43, Laws of 1972 ex. sess. and RCW 51.32.095; amending section 51.32.110, chapter 23, Laws of 1961 as amended by section 13, chapter 289, Laws of 1971 ex. sess. and RCW 51.32.110; amending section 51.36.020, chapter 23, Laws of 1961 as last amended by section 51, chapter 289, Laws of 1971 ex. sess. and RCW 51.36.020;

amending section 52, chapter 289, Laws of 1971 ex. sess. and RCW 51.36.050; amending section 53, chapter 289, Laws of 1971 ex. sess. and RCW 51.36.060; amending section 54, chapter 289, Laws of 1971 ex. sess. and RCW 51.36.070; 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; amending section 1, chapter 40, Laws of 1973 and RCW 51.52.110; repealing section 80, chapter 289, Laws of 1971 ex. sess. and RCW 51.08.173; repealing section 27, chapter 289, Laws of 1971 ex. sess., section 16, chapter 43, Laws of 1972 ex. sess. and RCW 51.14.020; repealing section 28, chapter 289, Laws of 1971 ex. sess. and RCW 51.14.030; repealing section 29, chapter 289, Laws of 1971 ex. sess. and RCW 51.14.040; repealing section 31, chapter 289, Laws of 1971 ex. sess. and RCW 51.14.060; repealing section 36, chapter 289, Laws of 1971 ex. sess. and RCW 51.14.070; repealing section 32, chapter 289, Laws of 1971 ex. sess. and RCW 51.14.080; repealing section 33, chapter 289, Laws of 1971 ex. sess. and RCW 51.14.090; repealing section 34, chapter 289, Laws of 1971 ex. sess. and RCW 51.14.100; repealing section 35, chapter 289, Laws of 1971 ex. sess. and RCW 51.14.110; repealing section 39, chapter 289, Laws of 1971 ex. sess. and RCW 51.28.025; repealing section 47, chapter 289, Laws of 1971 ex. sess., section 25, chapter 43, Laws of 1972 ex. sess. and RCW 51.32.190; repealing section 48, chapter 289, Laws of 1971 ex. sess. and RCW 51.32.200; repealing section 58, chapter 289, Laws of 1971 ex. sess., section 30, chapter 43, Laws of 1972 ex. sess. and RCW 51.44.140; repealing section 59, chapter 289, Laws of 1971 ex. sess. and RCW 51.44.150; repealing section 66, chapter 289, Laws of 1971 ex. sess. and RCW 51.48.017; and repealing section 65, chapter 289, Laws of 1971 ex. sess. and RCW 51.48.110.

Referred to Committee on Labor.

SENATE BILL NO. 2367, by Senators Bottiger, Beck and Matson (by Utilities and Transportation Commission request):

An Act relating to the regulation of transportation; amending section 5, chapter 242, Laws of 1963 and RCW 81.80.175; and amending section 9, chapter 59, Laws of 1963 and RCW 81.80.371; and prescribing penalties.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 2368, by Senators Stortini, Buffington and Walgren:

An Act relating to traffic safety education courses; and adding a new section to chapter 46.81 RCW.

Referred to Committee on Education.

SENATE BILL NO. 2369, by Senators Benitz, Henry, Knoblauch and Talley:

An Act relating to business and professions; providing for the licensing of tax consultants; adding a new chapter to Title 18 RCW; defining crimes; and prescribing penalties.

Referred to Committee on Commerce.

SENATE BILL NO. 2370, by Senators Lewis (Harry), Marsh and Washington (by Department of Commerce and Economic Development request):

An Act relating to local economic development programs; adding a new chapter to Title 43 RCW; and making an appropriation.

Referred to Committee on State Government.

MOTION

Senator Fleming moved that the Committee on State Government be relieved from further consideration of Senate Bill No. 2370.

Debate ensued.

PARLIAMENTARY INQUIRY

Senator Bottiger: "Point of parliamentary inquiry so that we will know what we are voting on when we get there. I did not hear the gavel fall so I am wondering whether

the motion should be to relieve the State Government Committee or to simply refer the bill to Local Government.

REPLY BY THE PRESIDENT

The President: "The President believes that the gavel did fall on the assignment of Senate Bill No. 2370 and the proper motion, therefore, is to relieve the Committee on State Government of further consideration of the bill."

MOTION

On motion of Senator Fleming, further consideration on the motion to relieve the Committee on State Government from further consideration on Senate Bill No. 2370 was ordered placed at the end of the first reading calendar for today.

INTRODUCTION AND FIRST READING

SENATE BILL NO. 2371, by Senators Grant and Washington:

An Act relating to reporting requirements of the public disclosure law; amending section 18, chapter 1, Laws of 1973 and RCW 42.17.180; and amending section 24, chapter 1, Laws of 1973 and RCW 42.17.240.

Referred to Committee on Constitution and Elections.

SENATE BILL NO. 2372, by Senator Grant:

An Act relating to political parties; and amending section 29.42.020, chapter 9, Laws of 1965 as amended by section 1, chapter 45, Laws of 1971 ex. sess. and RCW 29.42.020.

Referred to Committee on Constitution and Elections.

SENATE BILL NO. 2373, by Senators Morrison, Matson and Murray (by Executive request):

An Act relating to unemployment compensation; amending section 4, chapter 35, Laws of 1945 as last amended by section 1, chapter 73, Laws of 1973 and RCW 50.04.030; amending section 73, chapter 35, Laws of 1945 as last amended by section 21, chapter 2, Laws of 1970 ex. sess. and RCW 50.20.050; amending section 74, chapter 35, Laws of 1945 as last amended by section 22, chapter 2, Laws of 1970 ex. sess. and RCW 50.20.060; amending section 89, chapter 35, Laws of 1945 as last amended by section 13, chapter 3, Laws of 1971 and RCW 50.24.010; amending section 10, chapter 2, Laws of 1970 ex. sess. as last amended by section 11, chapter 158, Laws of 1973 1st ex. sess. and RCW 50.29.010; amending section 11, chapter 2, Laws of 1970 ex. sess. and RCW 50.29.020; amending section 13, chapter 2, Laws of 1970 ex. sess. as amended by section 12, chapter 158, Laws of 1973 1st ex. sess. and RCW 50.29.040; amending section 14, chapter 2, Laws of 1970 ex. sess. and RCW 50.29.050; amending section 15, chapter 2, Laws of 1970 ex. sess. as amended by section 13, chapter 158, Laws of 1973 1st ex. sess. and RCW 50.29.060; amending section 17, chapter 2, Laws of 1970 ex. sess. and RCW 50.29.080; and adding a new section to chapter 35, Laws of 1945 and to chapter 50.29 RCW to be codified as RCW 50.29.055; and prescribing effective dates.

Referred to Committee on Labor.

SENATE BILL NO. 2374, by Senators Guess and Beck:

An Act relating to motor vehicles; and amending section 2, chapter 137, Laws of 1965 as last amended by section 3, chapter 1, Laws of 1973 1st ex. sess. and RCW 46.44.0941.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 2375, by Senators Guess, Washington and Beck:

An Act relating to tax exemptions on solar heating equipment; amending section 82.08.030, chapter 15, Laws of 1961 as last amended by section 1, chapter 185, Laws of 1974 ex. sess. and RCW 82.08.030; and amending section 82.12.030, chapter 15, Laws

of 1961 as last amended by section 2, chapter 185, Laws of 1974 ex. sess. and RCW 82.12.030.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 2376, by Senators Guess and Cunningham:

An Act relating to private property; creating a new chapter in Title 8 RCW; and declaring an emergency.

Referred to Committee on State Government.

SENATE BILL NO. 2377, by Senators Guess and Wanamaker:

An Act relating to the regulation of public service companies; and amending section 80.04.010, chapter 14, Laws of 1961 as amended by section 1, chapter 59, Laws of 1963 and RCW 80.04.010.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 2378, by Senator Rasmussen:

An Act relating to legal publications; and adding a new section to chapter 65.16 RCW.

Referred to Committee on State Government.

SENATE JOINT RESOLUTION NO. 109, by Senators Bluechel, Woody, Fleming, Bailey, Francis, North and Washington (by Executive request):

Authorizing the expenditure of public funds and the lending of public credit for public purposes.

Referred to Committee on State Government.

MOTIONS

Senator Donohue moved that the Committee on State Government be relieved from further consideration of Senate Joint Resolution No. 109.

Senator Donohue moved that Senate Joint Resolution No. 109 be referred to the Committee on Ways and Means.

Senator Fleming moved that the motion by Senator Donohue be amended and that Senate Joint Resolution No. 109 be referred to the Committee on Local Government.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "I would like to ask Senator Donohue a question. Senator Donohue, this bill has to do with the state policy and the credit of the state?"

Senator Donohue: "I understand that is true, Senator. Credit of the state, Senator." Further debate ensued.

There being no objection, the motion by Senator Donohue to refer Senate Joint Resolution No. 109 to the Committee on Ways and Means was withdrawn.

The motion by Senator Fleming carried on a rising vote and Senate Joint Resolution No. 109 was referred to the Committee on Local Government.

INTRODUCTION AND FIRST READING

SENATE JOINT RESOLUTION NO. 110, by Senators Sandison, Keefe, Lewis (Harry), Marsh, Guess, Mardesich, Matson, Day, Bottiger, Sellar, Fleming, Stortini, Woody, Murray, Van Hollebeke, Benitz, McDermott, Goltz, Grant, Beck, von Reichbauer, Buffington and Talley (by Council on Higher Education request):

Proposing constitutional amendment permitting aid to students attending both public and private post-secondary institutions of higher education.

Referred to Committee on Higher Education.

MOTION

On motion of Senator Francis, the rules were suspended and Senator von Reichbauer was permitted as an additional sponsor to Senate Joint Resolution No. 111.

There being no objection, the rules were suspended and additional sponsors were permitted on the following Senate Bills: 2363, 2369; Senate Joint Resolutions 109, 110 and 111.

GUBERNATORIAL APPOINTMENTS

January 31, 1975.

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:

Eustace Vynne, Jr., appointed January 9, 1975 for a term ending December 31, 1980, succeeding James G. McCurdy as a member of the Parks and Recreation Commission.

Sincerely,
DANIEL J. EVANS
Governor

Referred to Committee on Parks and Recreation.

January 31, 1975.

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:

Ben Hayes, appointed January 9, 1975 for a term ending December 31, 1976, succeeding James Whittaker as a member of the Parks and Recreation Commission.

Sincerely,
DANIEL J. EVANS
Governor

Referred to Committee on Parks and Recreation.

January 31, 1975.

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:

Jeff Domaskin, appointed January 15, 1975 for a term ending December 31, 1980, succeeding himself as a member of the Parks and Recreation Commission.

Sincerely,
DANIEL J. EVANS
Governor

Referred to Committee on Parks and Recreation.

January 31, 1975.

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 B. Mitchell, appointed January 19, 1975 for a term ending January 18, 1979, succeeding Sanford Thal as a member of the State Board of Pharmacy.

Sincerely,
DANIEL J. EVANS
Governor,

Referred to Committee on Social and Health Services.

January 31, 1975.

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:

Ted Taniguchi, appointed January 19, 1975 for a term ending January 18, 1979, succeeding himself as a member of the State Board of Pharmacy.

Sincerely,
DANIEL J. EVANS
Governor

Referred to Committee on Social and Health Services.

January 31, 1975.

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:

Catherine Hunter, appointed March 2, 1975 for a term ending March 1, 1981, succeeding Mrs. Hugh Minor as a member of the Central Washington State College Board of Trustees.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Higher Education.

January 31, 1975.

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:

Paul E. Schaake, appointed January 29, 1975 for a term ending March 1, 1977, succeeding Raymond Garcia as a member of the Central Washington State College Board of Trustees.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Higher Education.

January 31, 1975.

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. George Koss, appointed January 1, 1975 for a term ending December 31, 1979, succeeding himself as a member of the Aeronautics Commission.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Transportation and Utilities.

January 31, 1975.

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:

Hal H. Howell, appointed January 1, 1975 for a term ending December 31, 1979, succeeding himself as a member of the Aeronautics Commission.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Transportation and Utilities.

January 31, 1975.

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:

Gilbert Hirabayashi, appointed December 30, 1974 for a term ending July 1, 1975, succeeding Frank S. Fujii as a member of the Commission on Asian-American Affairs.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on State Government.

January 31, 1975.

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:

Frank W. Foley, appointed February 1, 1975 for a term ending January 1, 1981, succeeding Francis Pearson as a member of the Utilities and Transportation Commission.

Sincerely,
DANIEL J. EVANS
Governor.

MOTION

On motion of Senator Walgren, the Senate commenced consideration of the appointment of Frank W. Foley as a member of the Utilities and Transportation Commission.

REMARKS BY SENATOR MARSH

Senator Marsh: "Mr. President and fellow Senators, I would like to speak in favor of this confirmation. We all know Frank Foley here. He served sixteen years in this body as a State Senator. He is a capable attorney with considerable public law experience. He is a former Assistant Attorney General. I believe he will serve with credit on the Utilities and Transportation Commission. I certainly would urge each and every one of us to vote in favor of this confirmation."

REMARKS BY SENATOR HARRY LEWIS

Senator Lewis (Harry): "Mr. President, I too would like to second the motion to confirm Senator Foley. Frank had a distinguished career in the Senate. He is a distinguished member of the community in Vancouver, is well recognized. He was replaced by Senator Marsh. He formerly held Senator Donohue's position as chairman of Ways and Means. I think that both sides of the aisle would want to join with Senator Marsh in supporting Senator Foley. I am confident that he will do an exemplary job for the

people of the state and I think we should be very grateful that Frank Foley will give up a successful law practice and give his time for this vital position."

REMARKS BY SENATOR TALLEY

Senator Talley: "Mr. President, I would like to join in the remarks of Senator Marsh and Senator Lewis. I was elected to the Senate in 1956, the same time as Senator Foley was. I know him to be a very able, fair, and honest man and I think he will do us a fine job on the Commission."

REMARKS BY SENATOR WALGREN

Senator Walgren: "Also speaking in favor of the confirmation, the Utilities and Transportation Committee, of course, has close contact with the various members of the Commission. This is an extremely sensitive position in state government. It is one that sometimes goes somewhat unnoticed but as we are all aware, the Commission affects the daily lives of every one of us in the state of Washington when it comes time to be concerned about the setting of rates of our various public utilities. I have had the pleasure, as many of us have had, of serving with Frank Foley. We know him to be an extremely competent person with very, very high integrity, and this is extremely important in this particular position. I certainly urge unanimous support of his confirmation."

MOTION

On motion of Senator Walgren, the rules were suspended and the appointment of FRANK W. FOLEY as a member of the Utilities and Transportation Commission was confirmed.

APPOINTMENT OF FRANK W. FOLEY

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 Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Donohue, Fleming, Francis, Goltz, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Morrison, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—44.

Absent or not voting: Senators Murray, Newschwander—2.

Excused: Senators Day, Gould, Matson—3.

INTRODUCTION AND FIRST READING

The President declared the question before the Senate to be the motion by Senator Fleming that the Committee on State Government be relieved from further consideration of Senate Bill No. 2370.

The motion by Senator Fleming carried.

MOTION

On motion of Senator Mardesich, Senate Bill No. 2370 was referred to the Committee on Local Government.

APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence in the Senate Chamber of United States Representative Mike McCormack from the Fourth Congressional District of the State of Washington and appointed Senators Henry, Matson, Marsh and Sellar as a committee of honor to escort the Honorable Mike McCormack to the Senate rostrum.

The President turned the gavel over to President Pro Tempore Henry.

President Pro Tempore Henry introduced the honored guest and with the permission of the Senate, business was suspended to permit Congressman McCormack to address the Senate on "A National Energy Policy".

President Pro Tempore Henry returned the gavel to President Cherberg. The committee of honor escorted Congressman McCormack from the Senate Chamber. The committee retired.

MOTION

On motion of Senator Mardesich, all bills on the second reading calendar for today were ordered held on the second reading calendar for Tuesday, February 4, 1975.

MOTION

At 2:18 p.m. on motion of Senator Mardesich, the Senate adjourned until 11:00 a.m., Tuesday, February 4, 1975.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

TWENTY-THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, February 4, 1975.

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 Day and Woody. On motion of Senator Knoblauch, Senators Day and Woody were excused.

The Color Guard, consisting of Pages Pamela Klein and David Grimm, presented the Colors. Reverend Paul J. Beeman, pastor of First United Methodist Church of Olympia, offered the following prayer:

"O GOD OUR FATHER, WE ARE DISTRESSED THAT IN THESE DAYS NEARLY EVERYONE IN GOVERNMENT SEEMS TO STAND INDICTED BY SOMEONE OR OTHER, AND THOSE WHO LEGISLATE, THOSE WHO GOVERN, AND THOSE WHO JUDGE, ARE BLAMED AND DISTRUSTED AND HARRASSED. ON THE OTHER HAND, THERE ARE THOSE FEW WHO PRAISE AND SUPPORT US, WHATEVER WE DO. WE CONFESS THAT NEITHER WE NOR OUR GOVERNMENT ARE HELPED MUCH BY EITHER OUR UNLOVING CRITICS OR OUR UNCRITICAL LOVERS.

"WE THANK YOU, OUR FATHER, THAT AS WE STAND SYMBOLICALLY BEFORE YOU, WE KNOW THAT YOU BOTH LOVE US CRITICALLY AND CRITICIZE US LOVINGLY. WE PRAY THAT SUCH GODLY ATTITUDE MAY BECOME INCREASINGLY TRUE OF THE CONSTITUENTS OF THOSE WHO SERVE IN THIS CHAMBER. WE THANK YOU FOR THOSE WHO PLACE THEIR LIVES AND ENERGIES AND REPUTATIONS ON THE LINE EACH DAY ON BEHALF OF US ALL. GRANT THEM IN THIS DAY THE INSIGHT AND WISDOM TO ACT DECISIVELY AND LOVINGLY. AND GIVE THEM AT DAY'S END, THE SATISFACTION AND PEACE OF THE JUST. IN CHRIST'S NAME. AMEN."

MOTION

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

REPORTS OF STANDING COMMITTEES

February 4, 1975.

SENATE BILL NO. 2126, permitting public utility districts to pay travel and living expenses of prospective employees (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Walgren, Chairman; Beck, Benitz, Bluechel, Bottiger, Guess, Jolly, Knoblauch, Morrison, Peterson, Sellar, Wanamaker.

Passed to Committee on Rules for second reading.

February 4, 1975.

SENATE BILL NO. 2135, establishing requirements and duties of a public utility district of the first class (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Walgren, Chairman; Beck, Benitz, Bluechel, Bottiger, Guess, Jolly, Morrison, Sellar.

Passed to Committee on Rules for second reading.

February 3, 1975.

SENATE BILL NO. 2242, changing membership of Columbia River Gorge Commission, defining its duties, and describing area of the commission's jurisdiction (reported by Committee on State Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Rasmussen, Chairman; Buffington, Cunningham, Henry, Knoblauch, Wanamaker.

Passed to Committee on Rules for second reading.

February 3, 1975.

SENATE BILL NO. 2250, making state laws and rules and regulations presently applicable to cities of 500,000 or more applicable to cities of 400,000 or more (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Fleming, Chairman; Jolly, Lewis (R. H. "Bob"), McDermott, North, Sellar.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENTS

February 4, 1975.

EUGENE M. CORR, to the position of member of the Board of Prison Terms and Parole, appointed by the Governor on September 1, 1974 for the term ending April 15, 1979, succeeding Donald Sullivan (reported by the Judiciary Committee):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Francis, Chairman; Buffington, Clarke, Fleming, Jones, Marsh.

Passed to Committee on Rules.

February 4, 1975.

JACK BERRY, to the position of member of the Board of Prison Terms and Pa-

role, appointed by the Governor on May 31, 1972 for the term ending April 15, 1977, succeeding himself (reported by the Judiciary Committee):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Francis, Chairman; Buffington, Clarke, Fleming, Jones, Marsh.

Passed to Committee on Rules.

February 4, 1975.

HELEN RATCLIFF, to the position of member of the Board of Prison Terms and Parole, appointed by the Governor on July 23, 1974 for the term ending April 15, 1979, succeeding herself (reported by the Judiciary Committee):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Francis, Chairman; Buffington, Clarke, Fleming, Jones, Marsh.

Passed to Committee on Rules.

INTRODUCTION AND FIRST READING

SENATE BILL NO. 2379, by Senator Rasmussen:

An Act relating to county treasurers; and amending section 36.29.020, chapter 4, Laws of 1963 as last amended by section 1, chapter 140, Laws of 1973 1st ex. sess. and RCW 36.29.020.

Referred to Committee on Local Government.

SENATE BILL NO. 2380, by Senators Grant, Morrison and Ridder:

An Act relating to alternative financing for unemployment compensation coverage of services performed for political subdivisions; amending section 21, chapter 35, Laws of 1945 as last amended by section 9, chapter 3, Laws of 1971 and RCW 50.04.200; amending section 104, chapter 35, Laws of 1945 as last amended by section 1, chapter 35, Laws of 1972 ex. sess. and RCW 50.24.160; amending section 20, chapter 3, Laws of 1971 as amended by section 2, chapter 35, Laws of 1972 ex. sess. and RCW 50.44.030; adding a new section to chapter 35, Laws of 1945 and to chapter 50.44 RCW to be codified as RCW 50.44.035; and declaring an emergency.

Referred to Committee on Labor.

SENATE BILL NO. 2381, by Senators Beck, Guess and Stortini:

An Act relating to elections; and amending section 29.10.080, chapter 9, Laws of 1965 as last amended by section 28, chapter 202, Laws of 1971 ex. sess. and RCW 29.10.080.

Referred to Committee on Constitution and Elections.

SENATE BILL NO. 2382, by Senator Grant:

An Act relating to employer-employee relations in the public sector; and providing for a public employment relations act.

Referred to Committee on Labor.

SENATE BILL NO. 2383, by Senator Rasmussen:

An Act relating to motor vehicles; amending section 38, chapter 155, Laws of 1965 ex. sess. as amended by section 1, chapter 38, Laws of 1972 ex. sess. and RCW 46.61.255; providing penalties; and providing for the submission of this act to a vote of the people.

MOTION

Senator Rasmussen moved that Senate Bill No. 2383 be referred to the Committee on State Government.

Debate ensued.

POINT OF INQUIRY

Senator Guess: "Would Senator Francis yield? Senator Francis, last year we had a similar bill in and it did not move out of your committee. Could you trace the history of the bill and why it did not move?"

Senator Francis: "Senator Guess, it did not move because I did not like it, and I did not tell anybody I was going to give it a hearing. I did not schedule a hearing. I did not think it deserved a hearing last year. I have agreed to give a hearing this year and you are going to get fair treatment on it. I still hope that the majority of the members agree with me that it is an unnecessary coercion of individual behavior, but it is going to get a fair hearing. So that is the difference between last year and this year. And we also now have six laymen, a majority of laymen, on the Judiciary Committee. I think you are going to find a broad cross section of the community is reflected on the Judiciary Committee. I think you are not going to be unhappy with the reception that you get for your bill in that committee."

Senator Guess: "Senator Francis, you promise us that you will give us a fair hearing on it. Will we have an opportunity for the committee to vote on it?"

Senator Francis: "Absolutely, Senator. That is what I meant when I said I was not going to pocket veto it."

Further debate ensued.

The motion by Senator Rasmussen failed on a rising vote.

Senate Bill No. 2383 was referred to the Judiciary Committee.

INTRODUCTION AND FIRST READING

SENATE BILL NO. 2384, by Senators Guess, Keefe, Lewis (R. H. "Bob"), Walgren and Fleming:

An Act relating to cities and towns; amending section 3, chapter 33, Laws of 1969 ex. sess. and RCW 35.39.034; and declaring an emergency.

Referred to Committee on Local Government.

SENATE BILL NO. 2385, by Senators Rasmussen, Sandison and Peterson:

An Act relating to the rehabilitation of the Yacolt burn; and amending section 5, chapter 74, Laws of 1953 as amended by section 2, chapter 171, Laws of 1955 and RCW 76.14.050.

Referred to Committee on Natural Resources.

SENATE BILL NO. 2386, by Senators Guess, Keefe, Donohue and Lewis (R. H. "Bob"):

An Act relating to snowmobiles; amending section 3, chapter 29, Laws of 1971 ex. sess. and RCW 46.10.030; amending section 4, chapter 29, Laws of 1971 ex. sess. as last amended by section 1, chapter 128, Laws of 1973 1st ex. sess. and RCW 46.10.040; amending section 8, chapter 29, Laws of 1971 ex. sess. as last amended by section 3, chapter 128, Laws of 1973 1st ex. sess. and RCW 46.10.080; amending section 15, chapter 29, Laws of 1971 ex. sess. as amended by section 4, chapter 128, Laws of 1973 1st ex. sess. and RCW 46.10.150; adding new sections to chapter 46.10 RCW; creating a new section; and making an appropriation.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 2387, by Senators Peterson, Pullen and Bluechel:

An Act relating to rules and regulations of the director of fisheries under interstate compacts; amending section 75.40.050, chapter 12, Laws of 1955 and RCW 75.40.050; and declaring an emergency.

Referred to Committee on Natural Resources.

SENATE BILL NO. 2388, by Senators Peterson, Jolly and Rasmussen:

An Act relating to trespass; amending section 1, chapter 165, Laws of 1937 as

amended by section 47, chapter 257, Laws of 1959 and RCW 79.40.050; and prescribing penalties.

Referred to Judiciary Committee.

SENATE BILL NO. 2389, by Senators Wanamaker, Sellar and Bottiger:

An Act relating to motor vehicles; and amending section 46.12.040, chapter 12, Laws of 1961 as amended by section 2, chapter 128, Laws of 1974 ex. sess. and RCW 46.12.040.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 2390, by Senators Lewis (R. H. "Bob"), Bottiger and Wanamaker:

An Act relating to the law against discrimination; and amending section 4, chapter 167, Laws of 1969 ex. sess. as amended by section 13, chapter 141, Laws of 1973 and RCW 49.60.222.

Referred to Judiciary Committee.

SENATE BILL NO. 2391, by Senators Guess, Jolly, Keefe and Lewis (R. H. "Bob"):

An Act relating to certain community college districts; providing for apprenticeship training facilities and the financing thereof by issuance of bonds, including bond anticipation notes; creating new sections; making an appropriation; and declaring an emergency.

Referred to Committee on Higher Education.

SENATE BILL NO. 2392, by Senators Guess, Odegaard, Lewis (R. H. "Bob") and Bottiger:

An Act relating to elections; 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; and declaring an emergency.

Referred to Committee on Constitution and Elections.

SENATE BILL NO. 2393, by Senators Peterson, Lewis (Harry) and Rasmussen:

An Act relating to game and game fish; amending section 77.12.150, chapter 36, Laws of 1955 and RCW 77.12.150; and amending section 77.12.160, chapter 36, Laws of 1955 and RCW 77.12.160.

Referred to Committee on Natural Resources.

SENATE BILL NO. 2394, by Senators Peterson, Lewis (Harry) and Rasmussen:

An Act relating to the department of natural resources; and amending section 1, chapter 239, Laws of 1945 as amended by section 1, chapter 140, Laws of 1963 and RCW 76.16.010.

Referred to Committee on Natural Resources.

SENATE BILL NO. 2395, by Senators Woody, Marsh and Buffington:

An Act relating to court reporters' salaries; and amending section 1, chapter 210, Laws of 1951 as last amended by section 1, chapter 18, Laws of 1972 ex. sess. and RCW 2.32.210.

Referred to Judiciary Committee.

SENATE BILL NO. 2396, by Senators Marsh, Washington, Jolly, Grant, Donohue, Sellar, Van Hollebeke, Jones, Ridder, Matson, Morrison, Lewis (R. H. "Bob"), An Act relating to foodfish and game fish; adding a new chapter to Title 77 RCW; defining crimes; prescribing penalties; and providing for an effective date.

Referred to Committee on Natural Resources.

SENATE BILL NO. 2397, by Senators Newschwander, Matson and Peterson:

An Act relating to intoxicating liquor; and amending section 7, chapter 62, Laws of 1933 ex. sess. as last amended by section 3, chapter 209, Laws of 1973 1st ex. sess. and RCW 66.16.040.

Referred to Committee on State Government.

SENATE BILL NO. 2398, by Senators Woody and Bottiger:

An Act relating to court reporters; amending section 1, chapter 126, Laws of 1913 as last amended by section 1, chapter 244, Laws of 1957 and RCW 2.32.180; adding new sections to chapter 2.32 RCW; and prescribing penalties.

Referred to Judiciary Committee.

SENATE BILL NO. 2399, by Senators Walgren, Bailey, Morrison and Sellar (by Office of Community Development request):

An Act relating to transportation; amending section 2, chapter 167, Laws of 1974 ex. sess. and RCW 36.57.020; amending section 3, chapter 167, Laws of 1974 ex. sess. and RCW 36.57.030; amending section 4, chapter 167, Laws of 1974 ex. sess. and RCW 36.57.040; amending section 2, chapter 111, Laws of 1965 ex. sess. as last amended by section 2, chapter 255, Laws of 1969 ex. sess. and RCW 35.95.020; and amending section 4, chapter 111, Laws of 1965 ex. sess. and RCW 35.95.040.

Referred to Committee on Transportation and Utilities.

SECOND READING

SENATE BILL NO. 2041, by Senator Knoblauch:

Requiring counties to retain an easement or right to exercise and grant easements whenever a county road or any portion thereof is vacated.

The Senate resumed consideration of Senate Bill No. 2041 on second reading. On Friday, January 31, 1975, the committee amendments were adopted and an amendment to page 1, line 11 by Senators Fleming and Mardesich was adopted on that day. The following amendment by Senators Fleming and Mardesich was moved for adoption on January 31, 1975:

On page 1, line 12, strike "mean" and before "every" insert "include utilities owned, operated, or maintained by".

Debate ensued.

The motion by Senator Fleming carried and the amendment was adopted.

On motion of Senator Fleming, the rules were suspended, Engrossed Senate Bill No. 2041 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Wilson: "Will Senator Fleming yield, please? Senator Fleming, I think this is a bill in which such a group as the Association of Washington Counties would have a legitimate interest. My question is whether the Association has endorsed the amendment."

Senator Fleming: "From my understanding, I have not talked to the Association. The Association endorsed the bill, The Association was well aware of the amendment being introduced on the floor last week and so I would think that if they had some objections they would have contacted the chairman of the committee. I have not heard from them pro or con."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2041, and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 1; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Donohue, Fleming, Francis, Goltz, Goold, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott,

Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—46.

Absent or not voting: Senator Matson—1.

Excused: Senators Day, Woody—2.

ENGROSSED SENATE BILL NO. 2041, having received the 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. 2021, by Senators Fleming, Jolly, Talley, Lewis (R. H. "Bob"), Murray, Ridder, Beck and Sellar (by request of Committee on Local Government of the 43rd Legislature):

Allowing cities and counties to set building permit fees.

The Senate resumed consideration of Senate Bill No. 2021 on second reading. On Friday, January 31, 1975, on motion of Senator Fleming, the bill was advanced to third reading. On that day, on motion of Senator Lewis (Harry), the bill was returned to second reading for possible amending and held for further consideration on Monday, February 3, 1975. On motion of Senator Mardesich on that day, the bill was held for consideration today.

MOTIONS

On motion of Senator Lewis (R. H. "Bob"), Senator Matson was excused.

On motion of Senator Fleming, the rules were suspended. Senate Bill No. 2041 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 Odegaard: "Would Senator Fleming yield to a question? Senator Fleming, I go along with the intent of this bill and think on the whole it is a good bill and the right approach. Senator Beck stated it very well, too. One concern, though, that I have is could it end up so that some counties would lower their fees to the point that all it becomes is a fee collecting bill and there would not be enough to cover the cost of a good inspection program. Is there anything to take care of that problem?"

Senator Fleming: "Senator Odegaard, as it relates to the state versus relating to the local government, we are hoping that they would be able to bring their standards up to a certain level and we are trying to — I guess the bill itself is trying to mandate eventually so all those counties come up to a certain level. I do not think any county would lower their fees to that point because they are basically responsible for it and there are no state dollars involved or no situation where they can come back to the state and get reimbursed. The only dollars involved in the statewide building code were for the Advisory Council and their travel and expenses. So it is all on a local level and we would hope that if that situation arose that those local officials would deal with that. But as I see it, I do not see that possibility."

POINT OF INQUIRY

Senator Morrison: "Would Senator Fleming yield to a question? Senator Fleming, I am concerned that the bill does not specify that the level of fees established, that those fees will necessarily go to support the inspection program you are speaking of. Do you know of any requirements that this would not become a revenue raising measure as far as local government was concerned?"

Senator Fleming: "Senator Morrison, I do not think so. I think that in the statewide building code itself and the requirements under that law delineate the kinds of things that would be involved in the program as a result of these revenues. So I do not think they could just use them for anything."

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2041, and the bill passed the Senate by the following vote: Yeas, 44; nays, 2; excused, 3.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Morrison, Murray, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—44.

Voting nay: Senators Newschwander, Scott—2.

Excused: Senators Day, Matson, Woody—3.

SENATE BILL NO. 2021, having received the 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 Mardesich, Senate Bill No. 2090 was ordered to hold its place on the second reading calendar for Wednesday, February 5, 1975.

CONFIRMATIONS OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Lewis (Harry), the appointment of RAY E. DAVIS as a member of the Washington State Canal Commission was confirmed.

APPOINTMENT OF RAY E. DAVIS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—46.

Excused: Senators Day, Matson, Woody—3.

MOTION

On motion of Senator Mardesich, the appointment of MERLIN TRAYLOR as a member of the Emergency Medical and Ambulance Review Committee was confirmed.

APPOINTMENT OF MERLIN TRAYLOR

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—46.

Excused: Senators Day, Matson, Woody—3.

MOTION

On motion of Senator Mardesich, the appointment of ZOE B. LUCKE as a member of the Emergency Medical and Ambulance Review Committee was confirmed.

APPOINTMENT OF ZOE B. LUCKE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—46.

Excused: Senators Day, Matson, Woody—3.

MOTION

On motion of Senator Ridder, the appointment of JOHN PHILBIN as a member of the Emergency Medical and Ambulance Review Committee was confirmed.

APPOINTMENT OF JOHN PHILBIN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—46.

Excused: Senators Day, Matson, Woody—3.

MOTION

On motion of Senator von Reichbauer, the appointment of ANNA MAE ERICKSEN as a member of the Emergency Medical and Ambulance Review Committee was confirmed.

APPOINTMENT OF ANNA MAE ERICKSEN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; absent or not voting, 1; excused, 3.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—45.

Absent or not voting: Senator Murray—1.

Excused: Senators Day, Matson, Woody—3.

MOTION

On motion of Senator von Reichbauer, the appointment of MATTHEW HAYES, M.D. as a member of the Emergency Medical and Ambulance Review Committee was confirmed.

APPOINTMENT OF MATTHEW HAYES, M.D.

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke,

Cunningham, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—46.

Excused: Senators Day, Matson, Woody—3.

MOTION

On motion of Senator von Reichbauer, the appointment of WILLIAM HENRY, M.D. as a member of the Emergency Medical and Ambulance Review Committee was confirmed.

APPOINTMENT OF WILLIAM HENRY, M.D.

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—46.

Excused: Senators Day, Matson, Woody—3.

MOTION

On motion of Senator von Reichbauer, the appointment of PETER T. BROOKS, M.D. as a member of the Emergency Medical and Ambulance Review Committee was confirmed.

APPOINTMENT OF PETER T. BROOKS, M.D.

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—46.

Excused: Senators Day, Matson, Woody—3.

MOTION

At 12 noon, on motion of Senator Mardesich, the Senate adjourned until 11:00 a.m., Wednesday, February 5, 1975.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

TWENTY-FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, February 5, 1975.

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 Edith Colwell and John Blair, presented the Colors. Reverend Paul J. Beeman, pastor of First United Methodist Church of Olympia, offered the following prayer:

"O GOD, YOU WHO ARE THE CREATOR OF OUR MINDS AND THE SOURCE OF OUR VALUES, WE PRAY ON BEHALF OF THE MEMBERS OF THIS CHAMBER, THAT DURING THE HOURS OF THIS DAY EACH ONE MAY EXPERIENCE A NEW FLASH OF INSIGHT AND A NEW CLARITY OF THOUGHT. WE KNOW THAT THEIR CONSTITUENTS EXPECT THEM SOMEHOW TO HURL A LEGISLATIVE THUNDERBOLT WHICH WILL CREATE STRAIGHTER HIGHWAYS, STRONGER EDUCATION AND EXPANDED ASSISTANCE; AND THAT THEY WANT THESE PROVIDED BY FEWER STATE EMPLOYEES, ALL ON STABLE SALARIES, WITH LOWERED EXPENSES, AND IN THE FACE OF SHRINKING BUDGETS.

"HELP US, O GOD, NOT TO EXPECT THESE PUBLIC SERVANTS TO BE SUPER-HUMAN, OR TO ENACT THE IMPOSSIBLE. WE MAKE A MORE MODEST REQUEST, O GOD, THAT THEY MAY BE INSPIRED TODAY WITH AN OPEN-MINDED CLARITY OF INSIGHT, BORN OF QUIET DEVOTION, NURTURED IN PATIENT EXPERIENCE, AND FINALLY FULFILLED IN TODAY'S HEARINGS AND DISCUSSIONS, DEBATES AND COMPROMISES.

"WE PRAY THAT YOU WILL GIVE TO EACH MEMBER OF THIS CHAMBER TODAY THE DIVINE GIFT OF ONE UNEXPECTED INSIGHT LEADING TO A NEW SOLUTION, ONE NEW WAY OF HANDLING A PERPLEXING PIECE OF LEGISLATION. HELP EACH ONE OF THEM TO KEEP THEIR MINDS OPEN TO YOUR GIFT. AND THEN HELP US ALL TO GIVE THANKS TO YOU, OUR CREATOR, FOR THE WORK ACCOMPLISHED AT THE END OF THE DAY. IN THE SPIRIT OF OUR MASTER WE PRAY. AMEN."

MOTION

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

REPORTS OF STANDING COMMITTEES

February 4, 1975.

SENATE BILL NO. 2105, enacting the uniform vehicle code (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Walgren, Chairman; Beck, Bottiger, Guess, Jolly, Knoblauch, Morrison, Peterson, Wanamaker.

Passed to Committee on Rules for second reading.

February 4, 1975.

SENATE BILL NO. 2116, providing for recovery of certain leave benefits upon returning to employment with school districts (reported by Committee on Education):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Stortini, Chairman; Gould, McDermott, Murray, Newschwander, von Reichbauer.

Passed to Committee on Rules for second reading.

January 31, 1975.

SENATE BILL NO. 2150, changing certain laws relating to agriculture (reported by Committee on Agriculture):

Recommendation: That Substitute Senate Bill No. 2150 be substituted therefor and the substitute bill do pass.

Signed by: Senators Jolly, Chairman; Benitz, Day, Sellar, Wilson.

Passed to Committee on Rules for second reading.

February 4, 1975.

SENATE BILL NO. 2167, repealing the fair trade act (reported by Committee on Commerce):

MAJORITY recommendation: Do pass.

Signed by: Senators Van Hollebeke, Chairman; Cunningham, Morrison, Ridder.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENTS

February 4, 1975.

J. FRANKLYN JOHNSON, to the position of member of the Board of Prison Terms and Parole, appointed by the Governor on October 1, 1974 for the term ending April 15, 1978, succeeding Dale Bridges (reported by the Judiciary Committee):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Francis, Chairman; Buffington, Clarke, Fleming, Jones, Van Hollebeke.

Passed to Committee on Rules.

February 4, 1975.

NORMAN A. MAJER, to the position of member of the Aeronautics Commission, appointed by the Governor on June 15, 1973 for the term ending December 31, 1977, succeeding himself (reported by the Committee on Transportation and Utilities):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Walgren, Chairman; Beck, Benitz, Bluechel, Bottiger, Guess, Jolly, Knoblauch, Lewis (R. H. "Bob"), Morrison, Wanamaker.

Passed to Committee on Rules.

February 4, 1975.

JOHN A. EARLEY, to the position of member of the Canal Commission, appointed by the Governor on October 17, 1973 for the term ending June 30, 1979, succeeding himself (reported by the Committee on Transportation and Utilities):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Walgren, Chairman; Beck, Benitz, Bluechel, Bottiger, Guess, Jolly, Knoblauch, Lewis (R. H. "Bob"), Morrison, Wanamaker.

Passed to Committee on Rules.

MESSAGE FROM THE HOUSE

February 4, 1975.

Mr. President: The House has passed:

ENGROSSED HOUSE BILL NO. 96,

HOUSE BILL NO. 127,

HOUSE BILL NO. 226, and the same are herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

INTRODUCTION AND FIRST READING

SENATE BILL NO. 2400, by Senators Goltz and Francis:

An Act relating to exemplary damages; and adding a new section to chapter 4.56 RCW.

Referred to Judiciary Committee.

SENATE BILL NO. 2402, by Senators Bailey, Lewis (Harry) and Marsh:

An Act relating to port districts; and adding a new section to chapter 53.12 RCW.

Referred to Committee on Local Government.

SENATE BILL NO. 2403, by Senators Jones, Francis and Wanamaker:

An Act relating to motor vehicles; amending section 1, chapter 198, Laws of 1969 ex. sess. and RCW 10.31.100; amending section 3, chapter 1, Laws of 1969 and RCW 46.61.506; amending section 62, chapter 155, Laws of 1965 ex. sess. as last amended by section 1, chapter 130, Laws of 1974 ex. sess. and RCW 46.61.515; amending section 46.56.040, chapter 12, Laws of 1961 as last amended by section 2, chapter 38, Laws of 1973 2nd ex. sess. and RCW 46.61.520; amending section 1, chapter 1, Laws of 1969 and RCW 46.20.308; adding a new section to chapter 46.61 RCW; and repealing section 61, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.510.

Referred to Judiciary Committee.

SENATE BILL NO. 2304, by Senators Jones, Francis, North, Benitz, Bluechel and Buffington:

An Act relating to children left in motor vehicles; adding a new section to chapter 9.91 RCW; providing penalties; and declaring an emergency.

Referred to Judiciary Committee.

SENATE BILL NO. 2405, by Senators Beck and Guess:

An Act relating to motor vehicle noise; adding new sections to chapter 46.37 RCW; prescribing penalties; and declaring an emergency.

MOTION

On motion of Senator Washington, Senate Bill No. 2405 was referred to the Committee on Ecology.

SENATE BILL NO. 2406, by Senators Murray, Washington, Matson, Bluechel, Sellar, North and Goltz (by Executive request):

An Act relating to solid waste management; amending section 1, chapter 134, Laws of 1969 ex. sess. and RCW 70.95.010; amending section 2, chapter 134, Laws of 1969 ex. sess. and RCW 70.95.020; amending section 3, chapter 134, Laws of 1969 ex. sess. as amended by section 60, chapter 52, Laws of 1970 ex. sess. and RCW 70.95.030; amending section 4, chapter 134, Laws of 1969 ex. sess. and RCW 70.95.040; amending section 7, chapter 134, Laws of 1969 ex. sess. and RCW 70.95.070; and adding new sections to chapter 134, Laws of 1969 ex. sess. and to chapter 70.95 RCW.

Referred to Committee on Ecology.

SENATE BILL NO. 2407, by Senators Ridder, Stortini and Goltz:

An Act relating to wage claims; establishing a wage claim fund; providing claims procedures; imposing an employer assessment; and adding a new chapter to Title 49 RCW.

Referred to Committee on Labor.

SENATE BILL NO. 2408, by Senators Grant, Morrison, Ridder, Mardesich, von Reichbauer, Bailey, Sellar and Matson:

An Act relating to public employment labor relations; amending section 28A.72.020, chapter 223, Laws of 1969 ex. sess. and RCW 28A.72.020; amending sec-

tion 28A.72.060, chapter 223, Laws of 1969 ex. sess. as amended by section 3, chapter 52, Laws of 1969 ex. sess. and RCW 28A.72.060; amending section 28A.72.080, chapter 223, Laws of 1969 ex. sess. and RCW 28A.72.080; amending section 1, chapter 115, Laws of 1973 1st ex. sess. and RCW 28A.72.100; amending section 2, chapter 196, Laws of 1971 ex. sess. as amended by section 1; chapter 205, Laws of 1973 1st ex. sess. and RCW 28B.52.020; amending section 5, chapter 196, Laws of 1971 ex. sess. as amended by section 3, chapter 205, Laws of 1973 1st ex. sess. and RCW 28B.52.060; amending section 7, chapter 196, Laws of 1971 ex. sess. as amended by section 5, chapter 205, Laws of 1973 1st ex. sess. and RCW 28B.52.080; amending section 3, chapter 108, Laws of 1967 ex. sess. as amended by section 2, chapter 131, Laws of 1973 and RCW 41.56.030; amending section 5, chapter 108, laws of 1967 ex. sess. and RCW 41.56.050; amending section 6, chapter 108, Laws of 1967 ex. sess. and RCW 41.56.060; amending section 7, chapter 108, Laws of 1967 ex. sess. and RCW 41.56.070; amending section 8, chapter 108, Laws of 1967 ex. sess. and RCW 41.56.080; amending section 9, chapter 108, Laws of 1967 ex. sess. and RCW 41.56.090; amending section 10, chapter 108, Laws of 1967 ex. sess. and RCW 41.56.100; amending section 2, chapter 59, Laws of 1973 and RCW 41.56.122; amending section 3, chapter 59, Laws of 1973 and RCW 41.56.125; amending section 3, chapter 215, Laws of 1969 ex. sess. and RCW 41.56.160; amending section 4, chapter 215, Laws of 1969 ex. sess. and RCW 41.56.170; amending section 5, chapter 215, Laws of 1969 ex. sess. and RCW 41.56.180; amending section 6, chapter 215, Laws of 1969 ex. sess. and RCW 41.56.190; amending section 3, chapter 131, Laws of 1973 and RCW 41.56.440; amending section 4, chapter 131, Laws of 1973 and RCW 41.56.450; amending section 7, chapter 131, Laws of 1973 and RCW 41.56.480; amending section 43.22.260, chapter 8, Laws of 1965 as last amended by section 11, chapter 16, Laws of 1973 2nd ex. sess. and RCW 43.22.260; amending section 43.22.270, chapter 8, Laws of 1965 as last amended by section 12, chapter 16, Laws of 1973 2nd ex. sess. and RCW 43.22.270; amending section 47.64.010, chapter 13, Laws of 1961 and RCW 47.64.010; amending section 47.64.030, chapter 13, Laws of 1961 and RCW 47.64.030; amending section 47.64.040, chapter 13, Laws of 1961 and RCW 47.64.040; amending section 1, chapter 58, Laws of 1903 and RCW 49.08.010; amending section 2, chapter 58, Laws of 1903 and RCW 49.08.020; amending section 3, chapter 101, Laws of 1967 and RCW 53.18.030; adding new sections to chapter 41.56 RCW; and repealing section 47.64.020, chapter 13, Laws of 1961 and RCW 47.64.020.

Referred to Committee on Labor.

MOTION

On motion of Senator Grant, the rules were suspended and Senator Matson was permitted as an additional sponsor to Senate Bill No. 2408.

SENATE BILL NO. 2409, by Senators Bottiger, Wanamaker and Peterson:

An Act relating to state aid for school districts; and adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.41 RCW.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2410, by Senators Sellar and Lewis (R. H. "Bob") (by Executive request):

An Act relating to retirement systems; amending section 1, chapter 11, Laws of 1971 and RCW 43.17.010; amending section 2, chapter 11, Laws of 1971 and RCW 43.17.020; amending section 9, chapter 103, Laws of 1973 1st ex. sess. and RCW 43.33.070; creating a new chapter in Title 41 RCW; defining crimes; prescribing penalties; declaring an emergency; and providing an effective date.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2411, by Senators Bailey, Stortini, Benitz and Lewis (Harry):

An Act relating to credit unions; creating the Washington credit union share guaranty association; providing for a board of directors thereof; setting out certain powers, duties and functions; providing for certain qualifications of membership; establishing

the share guaranty association contingency reserve; providing for the funding, assessments, liquidity and investment thereof; providing for the termination of membership; providing for the management of the association; providing for payment to shareholders; authorizing subrogation; exempting the association from certain taxes; providing immunity from actions; adding new sections to chapter 173, Laws of 1933 and to Title 31 RCW as chapter 31.12A thereof; creating new sections; and providing an effective date.

Referred to Committee on Financial Institutions.

SENATE BILL NO. 2412, by Senators Bottiger, Walgren and von Reichbauer:

An Act relating to railway bridges; amending section 94, chapter 255, Laws of 1927 and RCW 79.01.376; adding new sections to chapter 79.01 RCW; and prescribing penalties.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 2413, by Senator Scott (by Executive request):

An Act relating to state government; adding a new chapter to Title 43 RCW; providing an effective date; and declaring an emergency.

Referred to Committee on State Government.

SENATE BILL NO. 2414, by Senators Washington, Walgren and Stortini:

An Act relating to motor vehicle emission control; and adding a new section to chapter 238, Laws of 1967 and to chapter 70.94 RCW.

MOTION

On motion of Senator Mardesich, Senate Bill No. 2414 was referred to the Committee on Ecology.

SENATE BILL NO. 2415, by Senators Washington and Sellar:

An Act relating to motor vehicles; and creating a new chapter in Title 46 RCW.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 2416, by Senators Francis, Clarke and Fleming:

An Act relating to deeds of trust; amending section 1, chapter 74, Laws of 1965 and RCW 61.24.010; amending section 2, chapter 74, Laws of 1965 and RCW 61.24.020; amending section 3, chapter 74, Laws of 1965 and RCW 61.24.030; amending section 4, chapter 74, Laws of 1965 as amended by section 1, chapter 30, Laws of 1967 and RCW 61.24.040; amending section 9, chapter 74, Laws of 1965 as amended by section 4, chapter 30, Laws of 1967 and RCW 61.24.090; and amending section 13, chapter 74, Laws of 1965 and RCW 61.24.130.

Referred to Judiciary Committee.

SENATE BILL NO. 2417, by Senators Odegaard, Sandison, Donohue, Woody, Mardesich, Lewis (Harry), Peterson, Sellar, Bottiger, Guess, Talley, Newschwander, Henry and Walgren:

An Act relating to the forest practices act; and repealing sections 1 through 37, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.010 through 76.09.280, 76.09.900, 76.09.905, 76.09.910, 76.09.915, 76.09.920, 76.09.925, 76.09.930, and 76.09.935.

Referred to Committee on Natural Resources.

SENATE BILL NO. 2418, by Senators Benitz and Bottiger:

An Act relating to life insurance policy loans; amending section .23.08, chapter 79, Laws of 1947 and RCW 48.23.080; and providing an effective date.

Referred to Committee on Financial Institutions.

SENATE JOINT RESOLUTION NO. 113, by Senators North, Ridder, Benitz and Gould:

Limiting legislators and elected state officials to twelve consecutive years of service.

Referred to Committee on Constitution and Elections.

SENATE JOINT RESOLUTION NO. 114, by Senators North, Beck and Gould:

Authorizing court supervised redistricting if the legislature fails to accomplish such tasks.

Referred to Committee on Constitution and Elections.

There being no objection, the rules were suspended and additional sponsors were permitted on the following Senate Bills: 2401, 2404, 2406, 2408, 2411, 2417, and Senate Joint Resolution 113.

INTRODUCTION AND FIRST READING

ENGROSSED HOUSE BILL NO. 96, by Representatives Smith (Rick), Pardini, Sherman, Ehlers and Barnes:

Repealing the Fair Trade Act.

Referred to Committee on Commerce.

HOUSE BILL NO. 127, by Representative Haussler:

Increasing tax per television set in TV reception improvement districts.

Referred to Committee on Local Government.

HOUSE BILL NO. 226, by Representatives Charette and Smith (Rick) (by Statute Law Committee request):

Appropriating funds for bill drafting and session law publication.

Referred to Committee on Ways and Means.

SECOND READING

SENATE BILL NO. 2090, by Senators Stortini and Murray (by Superintendent of Public Instruction request):

Making miscellaneous changes in education code.

The bill was read the second time by sections.

There being no objection, the rules were suspended and Senator Walgren moved adoption of the following amendments simultaneously:

On page 1, line 19, after "program" insert "; *including bicycle safety*".

On page 2, line 4, after "course" and before the period insert "*including bicycle safety*".

Debate ensued.

POINT OF INQUIRY

Senator Francis: "Would Senator Walgren yield to a question? Senator Walgren, I am looking at page 1 where your amendment is, and I am wondering what was the problem that your amendment adding bicycle safety to traffic safety addresses itself to. In particular, it would appear to me that traffic safety would include bicycle safety in that anyone using the streets for transportation purposes, whether it is on a bicycle or whatever other mode of transportation, is involved with traffic and the traffic safety ought to cover that, both with regard to the automobile drivers being aware of bicycles on the street and vice versa. Has there been some problem where somebody has failed to interpret traffic safety that broadly?"

Senator Walgren: "I think, Senator Francis, that that is an interpretation that you and I could probably make and make very justifiably, that traffic safety does indeed include bicycle safety, but obviously from the debate that we have had thus far on the floor

there seems to be a real question as to whether or not bicycle safety is included. My purpose of the amendment is to insure that we are and will continue bicycle safety as part of traffic safety."

Further debate ensued.

POINT OF INQUIRY

Senator Woody: "Would Senator Guess yield? Senator Guess, in view of the fact that the statute clearly says that unless a student completes successfully a course in traffic safety education he cannot obtain his automobile driver's license until eighteen."

Senator Guess: "That is right."

Senator Woody: "How do you explain the corollary of that and that is if you allow bicycle safety in there that once a fellow completes his bicycle safety education course he can get a driver's license under eighteen?"

Senator Guess: "Senator Woody, I am trying to draw the corollary if you teach them proper safety when they are in the lower grades as they begin to ride bicycles, then they have a better chance of staying alive to the age of eighteen, at which time they will then make application for the driver's license. Now it is also a recognized fact that if you start in early to teach a youngster to take safe acts, then he will have a better chance of going on to complete the thing. In the safety education in the industrial field, for instance, we find that for every three hundred careless acts that an individual in a plant will commit, you will have a serious accident, a lost time injury. So it is those small things that build up. Now if we can instill into the youngster to start being safe at the early age, then he has a better chance of being safe later on in life when he begins to take the responsibility of driving an automobile."

Senator Woody: "With all due respect, Senator Guess, you did not answer the question that I asked of you."

Further debate ensued.

POINT OF INQUIRY

Senator Peterson: "Not to prolong the agony here, but would Senator Walgren yield? Senator, one thing that has not been brought out here, I think we have to recognize that there is going to be a fiscal impact and if we go into this program on bicycle safety, what do you envision on cost on the local level and how much of this is going to detract from the present funds of driver education?"

Senator Walgren: "There may very well be a fiscal impact, Senator Peterson, but as Senator Francis has pointed out, all we are doing is making our intent very clear here that traffic safety includes bicycle safety, too. And of course, as you well know, having sat in on the meetings of the Transportation Committee, the statistics are of course legend that the accident rate is increasing probably more dramatically as it relates to bicycles and the use of bicycles as opposed to utilization of the automobile. So to equate, it seems to me, an argument against the bicycle safety aspect on the basis of increased problems from the finances does not wash. I think that while there may be some increase, that nonetheless bicycle safety should be included.

Senator Peterson: "My point is, Senator Walgren, that we have many school districts in the state right now that are having difficulty in promoting and funding and operating their present driver ed program, and if we are envisioning a fleet of bicycles in each school district and an instructor on top of that to provide this, I can envision at least at the present time a considerable impact upon a driver ed program."

Senator Walgren: "One further response to this. Senator Woody has suggested that there should be a complete revamping of the traffic safety program and I might concur with his remarks with regard to that and I think we should continue to address ourselves to this question of financing a traffic safety program. This is a perennial problem before the committee, but that of course does not eliminate the need of taking care of the bicycle safety situation right here at this time."

REMARKS BY SENATOR WOODY

Senator Woody: "To answer Senator Peterson's question about the fiscal impact, the state of Washington auditor's audit for the fiscal year '74 showed that the disburse-

ment to school districts totaled four million one hundred and twenty-four thousand six hundred and fifty-two dollars and thirty cents, and for that same period of time the Superintendent of Public Instruction's cost and what he took out of it for the SPI's part of the overhead was two hundred and twenty-two thousand one hundred and sixty-three dollars and ten cents. There is absolutely no question but that if bicycle safety were added, the two hundred and twenty-two thousand, the SPI's portion, would have to increase. They would set up a bicycle safety section. And then the amounts going to school districts, the four million, would be reduced that much plus also it would have to be diverted into bicycle safety. I reiterate, Senator Walgren, that the first step ought to be revamping the whole driver education section rather than doing a piecemeal affair."

Further debate ensued.

The motion by Senator Walgren failed and the amendments were not adopted on a rising vote.

Senator Pullen moved adoption of the following amendment:

On page 2, beginning on line 17, strike all of new section 2 and insert:

"Section 2. Section 1, chapter 38, Laws of 1919 as last amended by section 28A.67.020, chapter 223, Laws of 1969 ex. sess. and RCW 28A.67.020 are each amended to read as follows:

No person, who is not a citizen of the United States of America, shall be permitted to teach in the common schools in this state: PROVIDED, That the superintendent of public instruction may grant to an alien a permit to teach in the common schools of this state if such teacher has all the other qualifications required by law. [has declared his intention of becoming a citizen of the United States of America and five years and six months have not expired since such declaration was made: PROVIDED FURTHER, That the superintendent of public instruction may grant to an alien whose qualifications have been approved by the state board of education a temporary permit to teach as an exchange teacher in the common schools of this state, irrespective of requirements respecting citizenship and oath of allegiance.] Before such alien shall be granted a temporary permit he shall be required to subscribe to an oath or affirmation in writing that [he is not a member of or affiliated with a communist or communist-sponsored organization or a fascist or fascist-sponsored organization] *he does not advocate the unlawful and violent overthrow of the government of the United States or the state of Washington.* The form of such oath or affirmation shall be prepared by the superintendent of public instruction. [All] [T]he oath[s] or affirmation[s] subscribed as herein provided shall be filed in the office of the superintendent of public instruction and shall be there retained for a period of five years. Such permits shall at all times be subject to revocation by the superintendent of public instruction."

Debate ensued.

POINT OF INQUIRY

Senator Lewis (Harry): "Would Senator Woody yield to a question? Senator, this is more of a comment than a question, but as long as you took a quick look at this amendment, I wonder if you would take a quick look at the potential constitutionality of Senate Bill No. 2044 which is next on the calendar. As long as you are taking quick looks."

(No reply by Senator Woody).

Further debate ensued.

POINT OF ORDER

Senator Mardesich: "There is apparently something missing in the amendment, or the law as originally drafted is incorrect. If you look to the first paragraph and read it through and then go on to the stricken or deleted material, there is no sense in the former language unless there is an 'and' missing before 'has' or a comma or something, and I am just wondering whether this amendment has been properly drafted."

MOTION

Senator Lewis (Harry) moved that Senate Bill No. 2090 and the pending amendment be held for consideration following Senate Bill No. 2044.

RULING BY THE PRESIDENT

The President: "Senator Mardesich, in ruling upon your point of order, the Secretary has just checked the code and found that the amendment is not properly drafted and that a period has been substituted instead of a comma."

There being no objection, the motion by Senator Lewis (Harry) was withdrawn.

MOTION

On motion of Senator Walgren, the amendment by Senator Pullen was laid upon the table.

There being no objection, the remaining amendments by Senator Pullen on the Secretary's desk were withdrawn.

On motion of Senator Newschwander, the following amendment by Senators Newschwander and Clarke was adopted:

On page 2, beginning on line 31, strike all of section 5. Renumber the remaining section consecutively.

On motion of Senator Newschwander, the following amendment by Senators Newschwander and Clarke to the title was adopted:

On page 1, line 10 of the title, before "providing" insert "and" and after "penalties" strike "; and declaring an emergency".

On motion of Senator Stortini, the rules were suspended, Engrossed Senate Bill No. 2090 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Woody: "Would Senator Stortini yield? What was the real significance of striking 'under the division of curriculum and instruction' on page 1, lines 16 and 17?"

Senator Stortini: "The private industry that was brought in by SPI simply felt that this curriculum was too large to handle this, so as a result they set up a new division called the special services. As I said, this includes four or five different things now, including traffic safety."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2090, and the bill passed the Senate by the following vote: Yeas, 47; nays, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—47.

Voting nay: Senators Pullen, Scott—2.

ENGROSSED SENATE BILL NO. 2090, having received the 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. 2044, by Senators Rasmussen and Odegaard:

Regulating the creation and combination of agencies and departments by the executive.

The bill was read the second time by sections.

Senator Jones moved adoption of the following amendment by Senators Jones and Cunningham:

On page 1, section 2, line 7, strike "or combining".

POINT OF INQUIRY

Senator Francis: "Will Senator Jones yield to a question? Senator Jones, is it your

contention that the Governor now has the power to combine by executive order state agencies and departments, and if so, would you please state some examples of such authority?"

Senator Jones: "I believe that in past actions he has made — the combining of such agencies — I might have some difficulty coming up with an exact method at the moment but I can think of a number of perhaps task force, where he has used the expertise of certain individuals and blended them in with another group. I cannot come up with a specific at the moment but I do believe he has that power."

Senator Francis: "Senator Jones, assume that he does — for the moment assume that he has the power to combine state agencies and departments, would you think it would be desirable and appropriate for the executive to, say, combine the Department of Social and Health Services with the Department of Labor and Industries?"

Senator Jones: "Not at the moment, no."

Senator Francis: "Thank you very much."

Debate ensued.

MOTIONS

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

At 12:13 p.m., on motion of Senator Mardesich, the Senate adjourned until 11:00 a.m., Thursday, February 6, 1975.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

TWENTY-FIFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, February 6, 1975.

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 Woody. On motion of Senator Knoblauch, Senator Woody was excused.

The Color Guard, consisting of Pages Laurie Jones and David Ridder, presented the Colors. Reverend Paul J. Beeman, pastor of the First United Methodist Church of Olympia, offered the following prayer:

"O GOD, WHO HAS SET HUMANITY IN FAMILIES, AND GIVEN LOVING COMPANIONSHIP TO HUSBANDS AND WIVES, AND HAS GIVEN THEM RESPONSIBILITY FOR THEIR CHILDREN; WE COME TO YOU FIRST ON BEHALF OF THE SENATORS OF OUR STATE, PRAYING FOR DIVINE GIFTS OF CLARITY, AND WISDOM, FAIRNESS AND JUSTICE, TOLERANCE AND LOVE. LET THIS BE A GOOD DAY IN THEIR LIFE AND WORK.

"BUT WE COME REQUESTING SPECIAL DIVINE MERCIES FOR THOSE LOVED ONES OF THEIRS WHO MAY BE AT HOME; LONELY WIVES, OR HUSBANDS, LEFT TO TEND RESPONSIBILITIES OF THE FAMILY AND LONGING FOR SOME TIME TOGETHER; CHILDREN, WHOSE GREATEST INTEREST IN SENATE ACTION MAY BE THE TIME OF ADJOURNMENT, WHICH WILL SEND A PARENT HOME TO THEM AGAIN. THESE LOVED ONES PAY TOO HIGH A PRICE FOR THE PUBLIC SERVICE OF THE SENATORS. GRANT THAT A SPECIAL AWARENESS MAY COME TODAY TO THE FAMILIES OF THOSE IN THIS ROOM, THAT THEY ARE LOVED AND APPRECIATED, AND REMEMBERED. BE ALSO WITH THOSE COLLEAGUES BACK HOME WHO ARE LEFT TO MANAGE THE OFFICE, OR RUN THE BUSINESS, AND KEEP THE BASIC INCOME INTACT. GIVE TO THEM THE COMPETENCE AND GUIDANCE AND STRENGTH, WHICH WILL FREE THESE SENATORS TO GIVE THEIR MAJOR ATTENTION TO LEGISLATIVE TASKS.

"FINALLY WE PRAY FOR ALL THOSE WHO SERVE THIS CHAMBER; THE ADMINISTRATIVE ASSISTANTS AND SECRETARIES, CLERKS AND GUARDS AND COOKS, PAGES, AND THE PRESIDENT AND OFFICERS OF THE SENATE. GRANT TO THEM ALL THE AWARENESS OF THE IMMENSE RESPONSIBILITY THEY HOLD FOR GOOD GOVERNMENT. GRANT THEM A SENSITIVITY TO THE EVER-PRESENT LOVE OF YOURS WHICH SURROUNDS THEM, AND ENRICHES US ALL. IN THE MASTER'S NAME. AMEN."

MOTION

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

REPORTS OF STANDING COMMITTEES

February 5, 1975.

SENATE BILL NO. 2036, providing legislative review of agency rules (reported by Committee on State Government):

Recommendation: That Substitute Senate Bill No. 2036 be substituted therefor and the substitute bill do pass.

Signed by: Senators Rasmussen, Chairman; Buffington, Cunningham, Day, Henry, Knoblauch, Wanamaker.

Passed to Committee on Rules for second reading.

February 5, 1975.

SENATE BILL NO. 2060, reconstituting purchasing and material control in state government (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Rasmussen, Chairman; Day, Henry, Knoblauch, Wanamaker.

Passed to Committee on Rules for second reading.

February 5, 1975.

SENATE BILL NO. 2267, placing five-year statute of limitation on claims against state for state warrants and permitting destruction of redeemed warrants after six years (reported by Committee on State Government):

Recommendation: Do pass as amended.

Signed by: Senators Rasmussen, Chairman; Buffington, Cunningham, Day, Henry, Knoblauch, Wanamaker.

Passed to Committee on Rules for second reading.

February 5, 1975.

SENATE BILL NO. 2268, directing the investment of current state funds (reported by Committee on State Government):

Recommendation: Do pass as amended.

Signed by: Senators Rasmussen, Chairman; Buffington, Cunningham, Day, Henry, Knoblauch, Wanamaker.

Passed to Committee on Rules for second reading.

February 5, 1975.

SENATE BILL NO. 2269, providing for the transfer of funds from and the abolishment of the world fair bond redemption fund (reported by Committee on State Government):

Recommendation: Do pass.

Signed by: Senators Rasmussen, Chairman; Buffington, Cunningham, Day, Henry, Knoblauch, Wanamaker.

Passed to Committee on Rules for second reading.

February 5, 1975.

SENATE BILL NO. 2300, permitting president of the Washington state historical society to have representative in his name on the Washington state board on geographic names (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Rasmussen, Chairman; Buffington, Cunningham, Henry, Knoblauch, Wanamaker.

Passed to Committee on Rules for second reading.

February 5, 1975.

SENATE JOINT RESOLUTION NO. 110, proposing constitutional amendment permitting aid to students attending both public and private post-secondary institutions of higher education (reported by Committee on Higher Education):

MAJORITY recommendation: Do pass.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Odegaard.

Passed to Committee on Rules for second reading.

February 5, 1975.

SUBSTITUTE HOUSE BILL NO. 37, setting forth dates special elections may be called (reported by Committee on Constitution and Elections):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Beck, Chairman; Grant, Lewis (R. H. "Bob"), Stortini, Washington.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENTS

February 5, 1975.

ROBERT F. PHILIP, to the position of member of the University of Washington Board of Regents, appointed by the Governor on April 12, 1974 for the term ending March 10, 1980, succeeding himself (reported by the Committee on Higher Education):

Recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Guess, Odegaard, Scott.

Passed to Committee on Rules.

February 5, 1975.

HENRY V. CHARNELL, JR., to the position of member of the Board of Trustees of Community College District Number One, Peninsula Community College, appointed by the Governor on April 22, 1974 for the term ending April 3, 1979, succeeding himself (reported by the Committee on Higher Education):

Recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Guess, Odegaard, Scott.

Passed to Committee on Rules.

February 5, 1975.

EDWIN VAN SYCKLE, to the position of member of the Board of Trustees of Community College District Number Two, Grays Harbor Community College, appointed by the Governor on April 22, 1974 for the term ending April 3, 1979, succeeding himself (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Guess, Scott.

Passed to Committee on Rules.

February 5, 1975.

WILLIAM H. LAWRENCE, PhD, to the position of member of the Board of Trustees of Community College District Number Twelve, Centralia Community College, appointed by the Governor on April 4, 1974 for the term ending April 3, 1979, succeeding himself (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Guess, Scott.

Passed to Committee on Rules.

February 5, 1975.

ELIZABETH DOUMIT, to the position of member of the Board of Trustees of Community College District Number Thirteen, Lower Columbia College, appointed by the Governor on April 22, 1974 for the term ending April 3, 1979, succeeding Abe Martin (reported by the Committee on Higher Education):

Recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Guess, Odegaard, Scott.

Passed to Committee on Rules.

February 5, 1975.

STANLEY BRUNNER, to the position of member of the Board of Trustees of Community College District Number Twenty-one, Whatcom Community College, appointed by the Governor on April 9, 1974 for the term ending April 4, 1979, succeeding himself (reported by the Committee on Higher Education):

Recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Guess, Odegaard, Scott.

Passed to Committee on Rules.

MESSAGES FROM THE HOUSE

February 5, 1975.

Mr. President: The House has passed:
 ENGROSSED HOUSE BILL NO. 18,
 HOUSE BILL NO. 129,
 ENGROSSED HOUSE BILL NO. 131,
 SUBSTITUTE HOUSE BILL NO. 132,
 HOUSE BILL NO. 190, and the same are herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

January 5, 1975.

Mr. President: The House has adopted HOUSE CONCURRENT RESOLUTION NO. 8, and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

PERSONAL PRIVILEGE

Senator Knoblauch: "I do not think that we want to overlook a couple of the Senators who gave their maiden speeches. They reminded me that they are very anxious to pay their penalties. I would like to say, Senator Cunningham and Senator Pullen, it is nice to have you with us in the Senate and, Senator Pullen, please do not mark my cigar 'harmful to your health.'"

PERSONAL PRIVILEGE

Senator Clarke: "My wife and I wish to express our deep appreciation to the President and the members of the Senate for the very nice bouquet of flowers sent to her in the hospital and I am happy to report that she is getting better."

POINT OF INQUIRY

Senator Peterson: "Will Senator Knoblauch yield? Senator Knoblauch, I do not know, we have a lot of new members in the Senate this year and one day I found an apple on my desk and then I got some bubble gum. Are you falling down on your job or can't you convince the new membership what their obligations are here?"

Senator Knoblauch: "Quite frankly, I thought that Senator Buffington did a real good job. The rule does not say you have to give a cigar that smokes, and I hope it was cheaper than the better kind, Mrs. Buffington. And the apples were terrific, Senator Benitz — oh, Senator Morrison was it? And any day you want to you can bring more apples in to us."

INTRODUCTION AND FIRST READING

SENATE BILL NO. 2401, by Senators Grant, Mardesich, Bailey and Ridder:

An Act relating to adjustment of workmen's compensation payments; amending section 17, chapter 289, Laws of 1971 ex. sess. as last amended by section 3, chapter 110, Laws of 1973 and RCW 51.32.073; adding a new section to chapter 23, Laws of 1961 and to chapter 51.32 RCW; and providing an effective date.

Referred to Committee on Labor.

SENATE BILL NO. 2419, by Senators Francis, Fleming and North:

An Act relating to civil rights law; 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 3, chapter 183, Laws of 1949 as last amended by section 4, chapter 141, Laws of 1973 and RCW 49.60.040; 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 3, chapter 270, Laws of 1955 and RCW 49.60.060; amending section 4, chapter 270, Laws of 1955 and RCW 49.60.070; amending section 5, chapter 270, Laws of 1955 and RCW 49.60.080; amending section 6, chapter 270, Laws of 1955 as amended by section 6, chapter 37, Laws of 1957 and RCW 49.60.090; amending section 7, chapter 270, Laws of 1955 and RCW 49.60.100; amending section 5, chapter 133, Laws of 1949 and RCW 49.60.110; 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 5, chapter 214, Laws of 1973 1st ex. sess. and RCW 49.60.130; amending section 10, chapter 270, Laws of 1955 and RCW 49.60.140; amending section 11, chapter 270, Laws of 1955 and RCW 49.60.150; amending section 12, chapter 270, Laws of 1955 and RCW 49.60.160; amending section 13, chapter 270, Laws of 1955 and RCW 49.60.170; 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 12, chapter 37, Laws of 1957 and RCW 49.60.210; amending section 14, chapter 37, Laws of 1957 and RCW 49.60.215; amending section 7, chapter 167, Laws of 1969 ex. sess. as amended by section 14, chapter 141, Laws of 1973 and RCW 49.60.225; amending section 8, chapter 167, Laws of 1969 ex. sess. and RCW 49.60.226; amending section 15, chapter 270, Laws of 1955 as amended by section 16, chapter 37, Laws of 1957 and RCW 49.60.230; amending section 16, chapter 270, Laws of 1955 as amended by section 17, chapter 37, Laws of 1957 and RCW 49.60.240; amending section 17, chapter 270, Laws of 1955 as amended by section 18, chapter 37, Laws of 1957 and RCW 49.60.250; amending section 19, chapter 37, Laws of 1957 and RCW 49.60.255; amending section 21, chapter 37, Laws of 1957 as amended by section 118, chapter 81, Laws of 1971 and RCW 49.60.260; amending section 22, chapter 37, Laws of 1957 and RCW 49.60.270; amending section 24, chapter 37, Laws of 1957 and RCW 49.60.290; amending section 10, chapter 183, Laws of 1949 as last amended by section 4, chapter 100, Laws of 1961 and RCW 49.60.310; amending section 11, chapter 183, Laws of 1949 and RCW 49.60.320; amending section 43.01.100, chapter 8, Laws of 1965 and RCW 43.01.100; and adding new sections to chapter 49.60 RCW.

Referred to Judiciary Committee.

SENATE BILL NO. 2420, by Senator Rasmussen:

An Act relating to business and professions; and adding a new chapter to Title 18 RCW.

Referred to Committee on Commerce.

SENATE BILL NO. 2421, by Senator Grant:

An Act relating to intoxicating liquors; amending section 23-s-1 added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 5, Laws of 1949 as amended by section 11, chapter 208, Laws of 1971 ex. sess. and RCW 66.24.400; creating new sections; and adding a new section to chapter 62, Laws of 1933 ex. sess. and to chapter 66.24 RCW.

Referred to Committee on State Government.

SENATE BILL NO. 2422, by Senator Rasmussen:

An Act relating to handicapped persons; amending section 1, chapter 128, Laws of 1961 as amended by section 26, chapter 32, Laws of 1967 and RCW 46.16.380; and amending section 2, chapter 128, Laws of 1961 and RCW 46.61.580.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2423, by Senator Rasmussen (by departmental request):

An Act relating to intoxicating liquor; amending section 69, chapter 62, Laws of 1933 ex. sess. as last amended by section 1, chapter 178, Laws of 1969 ex. sess. and RCW 66.08.050; amending section 1, chapter 38, Laws of 1967 and RCW 66.12.110; amending section 4, chapter 67, Laws of 1949 as last amended by section 7, chapter 209, Laws of 1973 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 14, chapter 21, Laws of 1969 ex. sess. as amended by section 3, chapter 275, Laws of 1969 ex. sess. and RCW 66.28.025; amending section 27 -D added to chapter 62, Laws of 1933 ex. sess. by section 8, chapter 172, Laws of 1939 as amended by section 6, chapter 21, Laws of 1969 ex. sess. and RCW 66.28.030; amending section 30, chapter 62, Laws of 1933 ex. sess. as last amended by section 7, chapter 21, Laws of 1969 ex. sess. and RCW 66.28.040; adding new sections to chapter 66.24 RCW; and prescribing penalties.

Referred to Committee on State Government.

SENATE BILL NO. 2424, by Senators Walgren, Washington and Lewis (R. H. "Bob"):

An Act relating to utilities; and adding new sections to chapter 43.20 RCW.

Referred to Committee on Ecology.

SENATE BILL NO. 2425, by Senators McDermott and Day:

An Act relating to anatomical gifts; amending section 5, chapter 80, Laws of 1969 and RCW 68.08.530; and adding a new section to chapter 121, Laws of 1965 ex. sess. and to chapter 46.20 RCW.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 2426, by Senators Ridder and Jones:

An Act relating to juvenile courts; creating a new chapter in Title 13 RCW; recodifying section 13, chapter 160, Laws of 1913, section 1, chapter 121, Laws of 1945 and RCW 13.04.135; recodifying section 18, chapter 160, Laws of 1913 and RCW 13.04.180; recodifying section 10, chapter 302, Laws of 1961 and RCW 13.04.190; recodifying section 4, chapter 297, Laws of 1957, section 2, chapter 251, Laws of 1959, section 12, chapter 302, Laws of 1961 and RCW 13.04.200; recodifying section 13, chapter 302, Laws of 1961 and RCW 13.04.210; recodifying section 14, chapter 302, Laws of 1961, section 54, chapter 81, Laws of 1971 and RCW 13.04.220; recodifying section 1, chapter 93, Laws of 1967 and RCW 13.04.250; amending section 5, chapter 126, Laws of 1913 as last amended by section 1, chapter 111, Laws of 1972 ex. sess. and RCW 2.32.240; amending section 2, chapter 133, Laws of 1965 as last amended by section 2, chapter 111, Laws of 1972 ex. sess. and RCW 10.01.112; amending section 5, chapter 13, Laws of 1965 as last amended by section 15, chapter 302, Laws of 1971 ex. sess. and RCW 26.44.050; amending section 10, chapter 167, Laws of 1967 as last amended by section 45, chapter 292, Laws of 1971 ex. sess. and RCW 46.20.293; repealing section 1, chapter 160, Laws of 1913, section 1, chapter 302, Laws of 1961 and RCW 13.04.010; repealing section 2, chapter 160, Laws of 1913, section 1, chapter 135, Laws of 1921, section 1, chapter 176, Laws of 1929, section 1, chapter 65, Laws of 1937 and RCW 13.04.030; repealing section 3, chapter 160, Laws of 1913, section 1, chapter 43, Laws of 1921, section 1, chapter 270, Laws of 1951, section 9, chapter 331, Laws of 1959 and RCW 13.04.040; repealing section 4, chapter 160, Laws of 1913 and RCW 13.04.050; repealing section 2, chapter 302, Laws of 1961, section 1, chapter 101, Laws of 1973 1st ex. sess. and RCW 13.04.053; repealing section 3, chapter 302, Laws of 1961 and RCW 13.04.056; repealing section 5, chapter 160, Laws of 1913 and RCW 13.04.060; repealing section 6, chapter 160, Laws of 1913 and RCW 13.04.070; repealing section 7, chapter 160, Laws of 1913, section 4, chapter 302, Laws of 1961 and RCW 13.04.080; repealing section 5, chapter 302, Laws of 1961 and RCW 13.04.091; repealing section 6, chapter 302, Laws of 1961, section 1, chapter 137, Laws of 1967 and RCW 13.04.095;

repealing section 8, chapter 160, Laws of 1913, section 7, chapter 302, Laws of 1961, section 1, chapter 138, Laws of 1969 ex. sess. and RCW 13.04.100; repealing section 1, chapter 188, Laws of 1955, section 8, chapter 302, Laws of 1961 and RCW 13.04.105; repealing section 9, chapter 160, Laws of 1913 and RCW 13.04.110; repealing section 11, chapter 160, Laws of 1913 and RCW 13.04.115; repealing section 12, chapter 160, Laws of 1913, section 1, chapter 132, Laws of 1945, section 1, chapter 58, Laws of 1959 and RCW 13.04.120; repealing section 2, chapter 132, Laws of 1945 and RCW 13.04.130; repealing section 14, chapter 160, Laws of 1913 and RCW 13.04.140; repealing section 15, chapter 160, Laws of 1913 and RCW 13.04.150; repealing section 16, chapter 160, Laws of 1913 and RCW 13.04.160; repealing section 1, chapter 116, Laws of 1953 and RCW 13.04.170; repealing section 15, chapter 302, Laws of 1961 and RCW 13.04.230; repealing section 16, chapter 302, Laws of 1961 and RCW 13.04.240; repealing section 72.50.040, chapter 28, Laws of 1959, section 6, chapter 49, Laws of 1970 ex. sess. and RCW 72.50.040; defining crimes; providing penalties; and declaring an emergency.

Referred to Judiciary Committee.

SENATE BILL NO. 2427, by Senators Peterson, Lewis (Harry) and Rasmussen:

An Act relating to food fish and shellfish; and amending section 75.12.130, chapter 12, Laws of 1955 as amended by section 2, chapter 16, Laws of 1969 ex. sess. and RCW 75.12.130.

Referred to Committee on Natural Resources.

SENATE BILL NO. 2428, by Senators Day, Jones and von Reichbauer:

An Act relating to public hospitals; amending section 6, chapter 264, Laws of 1945 as last amended by section 2, chapter 165, Laws of 1974 ex. sess. and RCW 70.44.060; amending section 7, chapter 264, Laws of 1945 and RCW 70.44.070; amending section 9, chapter 264, Laws of 1945 and RCW 70.44.080; and amending section 11, chapter 264, Laws of 1945 and RCW 70.44.090.

Referred to Committee on Social and Health Services.

There being no objection, the rules were suspended and additional sponsors were permitted on the following Senate Bills: 2401 and 2424.

ENGROSSED HOUSE BILL NO. 18, by Representatives Jastad, Chatalas, Fischer and Matthews:

Changing certain laws relating to dentistry.

Referred to Committee on Social and Health Services.

ENGROSSED HOUSE BILL NO. 129, by Representatives Haussler, Kilbury, Hansen and Fischer:

Increasing hospital district commissioner's allowable compensation.

MOTION

On motion of Senator Mardesich, Engrossed House Bill No. 129 was referred to the Committee on Local Government.

ENGROSSED HOUSE BILL NO. 131, by Representatives Bauer, Hendricks, Fortson, Laughlin and McKibbin:

Requiring only that a school district make reasonable effort to maintain minimum term of school required by law in lieu of dissolution of such district.

Referred to Committee on Education.

SUBSTITUTE HOUSE BILL NO. 132, by Committee on Natural Resources (originally sponsored by Representatives Martinis, Bauer, Hansey, Bausch, Kilbury,

Conner, Matthews, Whiteside, Bond, Moreau, Clemente, Schumaker, Gaines, Laughlin, McCormick and McKibbin):

Extending the use of personalized license plates to vehicles other than cars.
Referred to Committee on Natural Resources.

HOUSE BILL NO. 190, by Representatives Kraabel, Knowles, Eikenberry, Hayner, Smith (Rick), Charette and Seeberger:

Repealing provision that presiding officers of house and senate can become lawyers without legal training or examination.

Referred to Committee on State Government.

HOUSE CONCURRENT RESOLUTION NO. 8, by Representative Charette:

Memorial services for deceased former members of the Senate and House of Representatives.

MOTIONS

On motion of Senator Bottiger, the rules were suspended and House Concurrent Resolution No. 8 was advanced to second reading and read the second time in full.

On motion of Senator Bottiger, the rules were suspended and House Concurrent Resolution No. 8 was advanced to third reading, the second reading considered the third, and the resolution was adopted.

SECOND READING

SENATE BILL NO. 2044, by Senators Rasmussen and Odegaard:

Regulating the creation and combination of agencies and departments by the executive.

The Senate resumed consideration of Senate Bill No. 2044 and the following amendment by Senators Jones and Cunningham which had been moved for adoption by Senator Jones on February 5, 1975:

On page 2, section 2, line 7, strike "or combining".

Debate ensued.

MOTION

Senator Washington moved that Senate Bill No. 2044 be re-referred to the Committee on State Government.

Debate ensued.

MOTION

Senator Day moved that the motion by Senator Washington to re-refer Senate Bill No. 2044 to the Committee on State Government be laid upon the table.

Senator Newschwander demanded a roll call and the demand was sustained by Senators Lewis (Harry), Clarke, Fleming, North, Gould, Jones, Murray, Wanamaker, Scott and Sellar.

ROLL CALL

The Secretary called the roll and the motion by Senator Day failed by the following vote: Yeas, 24; nays, 25.

Voting yea: Senators Bailey, Beck, Bottiger, Day, Donohue, Francis, Grant, Guess, Henry, Herr, Jolly, Keefe, Knoblauch, Mardesich, Marsh, McDermott, Odegaard, Rasmussen, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Woody—24.

Voting nay: Senators Benitz, Bluechel, Buffington, Clarke, Cunningham, Fleming, Goltz, Gould, Jones, Lewis (Harry), Lewis (R. H. "Bob"), Matson, Morrison, Murray, Newschwander, North, Peterson, Pullen, Ridder, Sandison, Scott, Sellar, Wanamaker, Washington, Wilson—25.

POINT OF INQUIRY

Senator Francis: "Will Senator Lewis yield to a question? Senator Lewis, you

stated that there were cases in which the Governor had created a state agency, department or council, commission, task force or other executive organization which had cost the taxpayers nothing and which had done a great deal of good for the people of the state and I presume implicit in your comment that such organizations which have cost the taxpayers nothing would be prohibited by this bill without being acted upon by the legislature, and I would like you to itemize all of those agencies, departments, commissions, the task forces which you had in mind in that statement."

Senator Lewis (Harry): "Senator Francis, rather than take the time of the Senate, I will have my secretary make a copy of the information I have and have it to you directly. I can give you several verbally, if you like."

Senator Francis: "As many as you can think of."

Senator Lewis (Harry): "All right. Most of the boards and commissions, as I indicated, that I have in front of me were created by the legislature."

Senator Francis: "I am talking about gubernatorial task forces or commissions that were created by the Governor and did not cost the taxpayers a dime."

Senator Lewis (Harry): "Fine. I have it here and will be glad to respond to that. The authority under the Governor's direction, the Salmon and Steelhead Council to operate in consultive capacity to the fish and game departments with regard to the management and utilization of Washington's salmon and steelhead resources, 1974 Executive Order EO 74-15, operating expenses zero. The North Cascade Task Force; the administering agency was the Planning and Community Affairs Agency; authority of the Governor's direction to serve as a source of recommendations and to advise the agencies directly affected by development and use of the North Cascades area; zero operating expenses. A volunteer legislative task force under the Governor's direction, 1973, to examine the climate for voluntary action in Washington State and consider what legislation ought to be proposed, if any, where undesirable conditions are found, zero dollars operating expenses. A Wilderness Task Force under the Governor's direction in 1972 to determine and advise the Governor on possible state policies and recommendations regarding the U.S. Forest Service five thousand acre wilderness area inventory and their potential to study areas for wilderness classification. This was done in 1972 with zero operating expenses by the Governor. Governor's Affirmative Action Review Committee; 1972 Executive Order EO 72-07; administering agency, the Department of Personnel under the executive order to review plans and monitor the progress of affirmative action programs in Washington State agencies; zero dollars cost to the people of the state. Governor's Task Force on Commitment Law Reform through the Department of Social and Health Services; Governor's direction, 1970; to investigate the existing commitment laws and make recommendations in the form of legislation concerning needed changes; zero operating expenses.

"I think, Senator Francis, many of those statutes came to your committee and you considered we did have assistance by using this type of task force or committee which would clearly be prohibited under the bill."

Senator Francis: "I appreciate your response, Senator Lewis, and if you have others then I would appreciate them in writing. I like what you are saying."

Debate ensued.

REMARKS BY SENATOR HARRY LEWIS

Senator Lewis (Harry): "Speaking very briefly, Mr. President, I have definitions, Senator Francis, that I would like to include in that list that you gave me. I will get a copy for you and it will show you that the way the bill is written now, it not only partially but it fully and completely ties the Governor's hands. And as a further argument for why the bill should go back, you recognize that if the Governor did create a commission, for example, Senator Rasmussen, on agriculture, that the way the bill came out of your committee, two members of the agricultural committee — could override and force him to dissolve. That is the way I read the bill and I really do not think there is any member of the Senate here that feels that way. You know, without making a long statement, we are State Senators and we have a very responsible job to do, and I have been proud to hold that office for what some think is too many years. On the other hand, the

executive office, the governor's office, is an office infinitely more powerful, infinitely more important to the people of the state than our office. And I think what we have attempted to do in the bill is to move ourselves into a power position as powerful as the executive, and I do not really believe that is our purpose. The fact that two members of this body could tie the governor's hands is not what I think the people of our districts sent us here to do. I would be glad to vote and support a modified bill that we could work together in putting together but we cannot do it on the floor, so I do urge you to support Senator Washington's motion."

Further debate ensued.

Senators Jones, Francis and Matson demanded the previous question and the demand was sustained.

Senator Newschwander demanded a roll call and the demand was sustained by Senators Clarke, Francis, Washington, Rasmussen, Fleming, von Reichbauer, Murray, Bluechel and Lewis (Harry).

The President declared the question before the Senate to be the motion by Senator Washington that Senate Bill No. 2044 be re-referred to the Committee on State Government.

PARLIAMENTARY INQUIRY

Senator Peterson: "Was there a motion to adopt this amendment? I did not hear it."

REPLY BY THE PRESIDENT

The President: "The Secretary advises that the motion to adopt was made yesterday, Senator Peterson, and carried over until today."

PARLIAMENTARY INQUIRY

Senator Mardesich: "Mr. President, merely for a parliamentary point, the question is the adoption of the amendment striking the words 'or combining' on line 7, and that is what the issue is before us now."

REPLY BY THE PRESIDENT

The President: "That is correct, Senator Mardesich."

ROLL CALL

The Secretary called the roll and the motion by Senator Washington failed by the following vote: Yeas, 22; nays, 27.

Voting yea: Senators Benitz, Bluechel, Buffington, Clarke, Cunningham, Fleming, Goltz, Gould, Jones, Lewis (Harry), Lewis (R. H., "Bob"), Matson, Morrison, Murray, Newschwander, North, Pullen, Ridder, Scott, Sellar, Wanamaker, Washington—22.

Voting nay: Senators Bailey, Beck, Bottiger, Day, Donohue, Francis, Grant, Guess, Henry, Herr, Jolly, Keefe, Knoblauch, Mardesich, Marsh, McDermott, Odegaard, Peterson, Rasmussen, Sandison, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wilson, Woody—27.

Senators Mardesich, Francis and von Reichbauer demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be the amendment by Senators Jones and Cunningham to Senate Bill No. 2044.

The motion by Senator Jones failed and the amendment by Senators Jones and Cunningham was not adopted.

Senator Pullen moved adoption of the following amendment:

On page 1, line 9, strike "or organization of any kind" and insert "office".

Debate ensued.

The motion by Senator Pullen failed and the amendment was not adopted.

There being no objection, the amendment by Senator Morrison to page 1, line 9, before "commission," insert "or" and following "commission," strike "task force, or organization of any kind," on the Secretary's desk, was withdrawn.

Senator Morrison moved adoption of the following amendment:

On page 1, line 9, after "or" insert "other permanent" and on line 14, after "other" insert "permanent".

Debate ensued.

The motion by Senator Morrison failed and the amendment was not adopted.

There being no objection, the amendments by Senator Jones to page 1, lines 8 and 9 and lines 13 through 15 on the Secretary's desk were withdrawn.

There being no objection, the amendment by Senator Pullen to page 2, section 2, line 10 on the Secretary's desk was withdrawn.

Senator Pullen moved adoption of the following amendment:

On page 1, line 10, strike the period and insert "and except as may be necessary to organize the staff of the office of the governor for the purpose of carrying out normal administrative activities."

Debate ensued.

The motion by Senator Pullen failed and the amendment was not adopted.

Senator Francis moved adoption of the following amendment:

On page 1, line 10, after "act" and before the period insert "; PROVIDED, That such prohibition shall not apply to any agency, department, board, council, commission, task force, or organization which is composed entirely of unpaid volunteers and operates at no cost to the taxpayers".

Debate ensued.

POINT OF INQUIRY

Senator Lewis (Harry): "Will Senator Francis yield to a question? Senator Francis, I see what you are trying to accomplish. The question I have is if the Governor asked a group of elderly people to come down and review potential statutes for a council on aging, for example, and they paid their own transportation from Spokane and Seattle, as I would understand would be required in your amendment, would they in addition have to pay for the portion of heat and light that they used while they were in the building discussing this with the Governor? Or would we assume that that would not be necessary?"

Senator Francis: "Senator Lewis, it is my understanding that heat and lights are being paid for anyway, therefore it would not add any cost to the taxpayer. I would think that that is not a problem. I thought of other ways of wording this such as simply saying that it operates entirely without any tax funding or something like that. I rejected it because I think this is plain and simple. It would operate without cost to the taxpayers. It would be volunteers meeting together in a voluntary area and I think it is a matter of legislative history, since I am yielding to the question and it should appear in the journal. I want to make it very clear that that would not prohibit meeting in a public building."

POINT OF INQUIRY

Senator Morrison: "Would Senator Francis yield to another question? Senator Francis, when you are talking at no cost to the taxpayers, would this be just state taxes or would it also apply to local jurisdictions as well as those paying federal tax?"

Senator Francis: "Senator Morrison, my intention was that such boards, commissions, organizations, etc., as might be created by the stroke of the Governor's pen would not be funded in any way by any tax dollars from any jurisdiction or any subdivision of the state government. I do not mind if he can get hold of federal funds, although I have some objection to that, but I would say there that that is something that I do not think the State Legislature would wish to speak to. I think that if we are in our intention making it unfunded by tax dollars from within either state government or any sub-branch of state government, that we are getting at the problem that we have the ability to deal with."

The motion by Senator Francis carried and the amendment was adopted.

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

On page 1, section 2, line 23, following "shall" and before "refer" insert: "if the rules committees of the House of Representatives and that of the Senate each by ma-

majority vote both declare that an emergency exists and state in writing their reasons for the existence of the emergency the two rules committees may approve the request of the governor forthwith or shall".

Senator Grant moved adoption of the following amendment:

On page 1, line 27, after "by a" strike "two-thirds" and insert "majority" and on line 30 strike "more than one-third" and insert "a majority".

Debate ensued.

POINT OF INQUIRY

Senator Lewis (Harry): "Would Senator Grant yield to a question? Senator Grant, I have a problem with your amendment. I recognize what you are trying to do and I support it, but looking at it with Senator Francis's amendment and yours, what would be the situation where we had a federally required office such as the Drug Abuse Prevention Office, which is required by a federal statute, that the Governor is directed to set up such an office, or the Governor's Committee on the Employment of Handicapped which was federally required; now with Senator Francis's amendment, we could not spend any state funds on it. If three members of the agricultural committee, assuming that this issue was sent to them, objected to it? What position would that place the state of Washington in, in your judgment?"

Senator Grant: "I am not sure, Senator, that I can answer that question. I do not think that the amendment I have proposed addresses itself to that. It is simply an attempt, I think, to improve the situation relative to a very small minority of the legislature vetoing an action that the majority might feel would be appropriate. I really do not think that I am prepared to answer your question."

REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "Mr. President, in answer to Senator Lewis's very sincere worries, Senator Bottiger in a previous amendment that we have adopted has taken care of that problem. That in the opinion of the Rules Committee of both the House and the Senate, if it is a very serious problem that needs immediate action, they are going to approve. I have no doubt. I am sure you do not have any doubt, you being on Rules Committee. I am not on Rules but I still have confidence in the Rules Committee. However, we do have every agency that you can possibly think of that is created right today, and there is no authority in this state for the Governor or anyone else to form a new agency because of a federal proposal. All they can do is say that they are going to fund some of the agencies we have at the present time, and the Governor would, I am sure, not request that. But if it should happen if you had an emergency, Senator Bottiger's amendment would take very good care of it, so I urge you to support Senator Grant in his amendment which brings it back to the question of a majority, which is the way it should be."

The motion by Senator Grant carried and the amendment was adopted.

MOTION

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

MOTION

At 12:33 p.m., on motion of Senator Mardesich, the Senate adjourned until 11:00 a.m., Friday, February 7, 1975.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

TWENTY-SIXTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, February 7, 1975.

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 Matson. On motion of Senator Lewis (R. H. "Bob"), Senator Matson was excused.

The Color Guard, consisting of Pages Carrie Wallace and James Simonton, presented the Colors. Reverend Coriless V. Hanson, pastor of the First United Methodist Church of Olympia, offered the following prayer:

"ETERNAL GOD, CREATOR OF ALL THINGS, WE THANK YOU FOR THE WORLD WHICH HAS BEEN CREATED FOR US THIS DAY. WE PRAY FOR THE MEN AND WOMEN WHO WORK IN THESE HALLS. THEY PERFORM THEIR TASKS IN THE ENVIRONMENT OF A CREATION THAT IS GOOD AND NEEDS TO BE PRESERVED AS WELL AS IN ONE THAT IS LACKING AND NEEDS TO BE COMPLETED. GIVE THEM A SENSE THAT THEY TOO, ARE A PART OF YOUR CREATIVE POWER. MAY THEY BE AWARE OF YOUR PRESENCE AS THEY SET THE STAGE FOR A NEW GENESIS AND ATTEMPT TO CREATE MEANINGFULNESS OUT OF THAT WHICH IS PRESENTLY VOID AND WITHOUT FORM. IN THE FACE OF OPPOSITION AND DIFFICULTY, ENABLE THEM TO REMAIN TRUE TO THEIR BASIC CONVICTIONS. WHEN THIS DAY IS DONE, WHEN THE MORNING AND EVENING IS OVER, ASSIST THEM TO LOOK AT THEIR CREATION WITH A SENSE OF PEACE. WE WANT THEM TO KNOW THE JOY AND THE PEACE THAT COMES WHEN THAT WHICH HAS BEEN ACCOMPLISHED IS INDEED LABELED AS BEING GOOD. WE PRAY IN CHRIST'S NAME. AMEN."

MOTION

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

REPORTS OF STANDING COMMITTEES

February 6, 1975.

SENATE BILL NO. 2026, exempting inventory of sheltered workshops from property taxation (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Wilson, Second Vice Chairman; Clarke, Grant, Jones, Murray, Newschwander, Rasmussen, Scott, Washington.

Passed to Committee on Rules for second reading.

February 6, 1975.

SENATE BILL NO. 2088, requiring license for smelt dealers (reported by Committee on Natural Resources):

MAJORITY recommendation: That Substitute Senate Bill No. 2088 be substituted therefor and the substitute bill do pass.

Signed by: Senators Peterson, Chairman; Beck, Grant, Pullen, Rasmussen, Sandison, Talley.

Passed to Committee on Rules for second reading.

February 6, 1975.

SENATE BILL NO. 2096, providing for study of administrative costs of school districts (reported by Committee on Education):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Stortini, Chairman; Francis, McDermott, Murray, Newschwander.

Passed to Committee on Rules for second reading.

February 6, 1975.

SENATE BILL NO. 2123, authorizing cancellation of certain school district warrants after one year from their call or issue (reported by Committee on Education):

MAJORITY recommendation: That Substitute Senate Bill No. 2123 be substituted therefor and the substitute bill do pass.

Signed by: Senators Stortini, Chairman; Gould, McDermott, Murray, Newschwander.

Passed to Committee on Rules for second reading.

January 29, 1975.

SENATE BILL NO. 2149, enacting a comprehensive horse identification law (reported by Committee on Agriculture):

MAJORITY recommendation: That Senate Bill No. 2149 be indefinitely postponed.

Signed by: Senators Jolly, Chairman; Benitz, Sellar, Wilson.

Passed to Committee on Rules for second reading.

February 7, 1975.

SENATE BILL NO. 2171, imposing fine and jail for wilful failure to appear before superior court after release on bail or personal recognizance (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Francis, Chairman; Buffington, Clarke, Fleming, Jones, Marsh, Scott, Van Hollebeke.

Passed to Committee on Rules for second reading.

February 7, 1975.

SENATE BILL NO. 2173, permitting annual conference of superior court judges to be held in Canada or an adjoining state (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Francis, Chairman; Buffington, Clarke, Fleming, Jones, Scott, Van Hollebeke.

Passed to Committee on Rules for second reading.

February 7, 1975.

SENATE BILL NO. 2177, transferring assessment of punishment in municipal courts from jury to judge (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Clarke, Fleming, Jones, Marsh, Van Hollebeke, Woody.

MINORITY recommendation: Do not pass.

Signed by: Senators Francis, Chairman; Scott.

Passed to Committee on Rules for second reading.

February 6, 1975.

SENATE JOINT MEMORIAL NO. 105, requesting aid to states for highway maintenance and construction (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Walgren, Chairman; Henry, Vice Chairman; Beck, Benitz, Bottiger, Jolly, Knoblauch, Morrison, Wanamaker.

Passed to Committee on Rules for second reading.

February 6, 1975.

SENATE JOINT MEMORIAL NO. 106, requesting federal executive and legislative action to exempt asphalt from excise or import tax (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Walgren, Chairman; Henry, Vice Chairman; Beck, Benitz, Bottiger, Jolly, Knoblauch, Morrison, Sellar, Wanamaker.

Passed to Committee on Rules for second reading.

APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence in the Senate Chamber of Mrs. DeLona Kent of Port Orchard, State President of the Business and Professional Women's Club; Mrs. Jane Culbreth of Leeds, Alabama, National First Vice President of that organization and Past President Helen Nelson of Raymond, Washington and appointed Senators Beck, Lewis (Harry), Walgren and Cunningham as a committee of honor to escort the honored guests to a place upon the rostrum.

MOTIONS

Senator Beck moved adoption of the following resolution and there being no objection, on motion of Senator Beck, all Senators were added as additional sponsors to the resolution.

SENATE RESOLUTION 1975-11

By Senators Beck, Walgren, Lewis (Harry), Bailey, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (R. H. "Bob"), Marsdesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Wilson and Woody:

WHEREAS, The enduring problems faced by women throughout the world and in our own state as a result of historic bias and prejudice in a variety of fields including equal compensation for equal work, housing, credit, professional advancement, and others are being confronted and overcome; and

WHEREAS, The confrontation between the leadership of women's movements and those who still embrace residual concepts which impede and frustrate the implementation of women's rights in fact as well as in law is still active on a variety of fronts; and WHEREAS, To give emphasis to goals already achieved and to give impetus to the achievement of goals still eluding accomplishment, the United Nations and the President of the United States have designated 1975 as INTERNATIONAL WOMEN'S YEAR; and

WHEREAS, It is the firm intent of the Washington State Senate as specifically exemplified in the 1973 action in ratifying the Equal Rights Amendment to the United States Constitution and in various other actions that women shall in all respects and in all aspects of life enjoy complete and effective equality;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the State of Washington does officially declare and proclaim 1975 as INTERNATIONAL WOMEN'S YEAR and that the citizens of the State of Washington shall individually and collectively make every reasonable effort to achieve a state of total equality in all relationships — social, political and economic; and

BE IT FURTHER RESOLVED, That a copy of this resolution shall be transmitted by the Secretary of the Senate to Mrs. DeLona Kent of Port Orchard, State President of the Business and Professional Women's Club, in recognition and appreciation of her continuing efforts in behalf of equality for women.

The motion by Senator Beck carried and the resolution was unanimously adopted.

Senator Beck introduced the guests and with permission of the Senate, business was suspended and the honored guests addressed the Senate.

The President, Senators Beck, Cunningham and Walgren were presented with International pins depicting the observance of International Women's Year.

The committee of honor escorted the guests from the Senate Chamber and the committee retired.

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

MESSAGE FROM THE HOUSE

February 6, 1975.

Mr. President: The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 24,

HOUSE BILL NO. 63,

ENGROSSED HOUSE BILL NO. 138,

ENGROSSED HOUSE BILL NO. 159, and the same are herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

INTRODUCTION AND FIRST READING

SENATE BILL NO. 2429, by Senators Bailey, Bottiger and Walgren:

An Act relating to unemployment compensation; and amending section 80, chapter 35, Laws of 1945 as last amended by section 5, chapter 2, Laws of 1970 ex. sess. and RCW 50.20.120.

Referred to Committee on Labor.

SENATE BILL NO. 2430, by Senators Talley, Newschwander and Woody:

An Act relating to public employment; and amending section 3, chapter 108, Laws of 1967 ex. sess. as amended by section 2, chapter 131, Laws of 1973 and RCW 41.56.030.

MOTION

On motion of Senator Mardesich, Senate Bill No. 2430 was referred to the Committee on Labor.

SENATE BILL NO. 2431, by Senator Washington:

An Act relating to educational lands held in trust pursuant to Article XVI of the Constitution of the state of Washington; amending section 1, chapter 77, Laws of 1937 as last amended by section 1, chapter 50, Laws of 1973 1st ex. sess. and RCW 76.12.050; 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 Education.

SENATE BILL NO. 2432, by Senators Henry and Stortini:

An Act relating to motor vehicle sales; and amending section 3, chapter 74, Laws of 1967 ex. sess. as last amended by section 2, chapter 132, Laws of 1973 1st ex. sess. and RCW 46.70.011.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 2433, by Senator Rasmussen:

An Act relating to public employment; and adding new sections to chapter 41.04 RCW.

Referred to Committee on State Government.

SENATE BILL NO. 2434, by Senator Rasmussen:

An Act relating to investments; and amending section 12, chapter 103, Laws of 1973 1st ex. sess. and RCW 43.84.150.

Referred to Committee on State Government.

SENATE BILL NO. 2435, by Senator Gould (by Executive request):

An Act relating to public officers and agencies; amending section 2, chapter 1, Laws of 1973 and RCW 42.17.020; amending section 6, chapter 1, Laws of 1973 and RCW 42.17.060; amending section 8, chapter 1, Laws of 1973 and RCW 42.17.080; amending section 9, chapter 1, Laws of 1973 and RCW 42.17.090; amending section 12, chapter 1, Laws of 1973 and RCW 42.17.120; amending section 18, chapter 1, Laws of 1973 and RCW 42.17.180; amending section 19, chapter 1, Laws of 1973 and RCW 42.17.190; amending section 24, chapter 1, Laws of 1973 and RCW 42.17.240; amending section 26, chapter 1, Laws of 1973 and RCW 42.17.260; amending section 27, chapter 1, Laws of 1973 and RCW 42.17.270; amending section 29, chapter 1, Laws of 1973 and RCW 42.17.290; amending section 30, chapter 1, Laws of 1973 and RCW 42.17.300; amending section 31, chapter 1, Laws of 1973 and RCW 42.17.310; amending section 32, chapter 1, Laws of 1973 and RCW 42.17.320; amending section 33, chapter 1, Laws of 1973 and RCW 42.17.330; amending section 34, chapter 1, Laws of 1973 and RCW 42.17.340; amending section 35, chapter 1, Laws of 1973 and RCW 42.17.350; amending section 37, chapter 1, Laws of 1973 and RCW 42.17.370; and amending section 38, chapter 1, Laws of 1973 and RCW 42.17.380.

Referred to Committee on Constitution and Elections.

SENATE BILL NO. 2436, by Senators Rasmussen, Wanamaker and Bottiger (by Executive request):

An Act relating to state government; creating a state energy office; amending section 1, chapter 10, Laws of 1965 and RCW 43.31.280; amending section 3, chapter 10, Laws of 1965 and RCW 43.31.290; amending section 5, chapter 10, Laws of 1965 and RCW 43.31.300; amending section 1, chapter 207, Laws of 1961 and RCW 70.98.010; amending section 2, chapter 207, Laws of 1961 as amended by section 1, chapter 88, Laws of 1965 and RCW 70.98.020; adding a new chapter to Title 43 RCW; repealing section 8, chapter 10, Laws of 1965 and RCW 43.31.310; repealing section 4, chapter 207, Laws of 1961, section 4, chapter 10, Laws of 1965 and RCW 70.98.040; repealing section 7, chapter 207, Laws of 1961, section 4, chapter 88, Laws of 1965, section 1, chapter 44, Laws of 1969, section 18, chapter 18, Laws of 1970 ex. sess. and RCW 70.98.070; and repealing section 24, chapter 207, Laws of 1961 and RCW 70.98.210.

MOTION

On motion of Senator Mardesich, Senate Bill No. 2436 was referred to the Committee on Transportation and Utilities.

SENATE BILL NO. 2437, by Senators Francis and Clarke:

An Act relating to criminal insanity; amending section 1, chapter 117, Laws of 1973 1st ex. sess. as amended by section 1, chapter 198, Laws of 1974 ex. sess. and RCW 10.77.010; amending section 5, chapter 117, Laws of 1973 1st ex. sess. as amended by section 5, chapter 198, Laws of 1974 ex. sess. and RCW 10.77.050; amending section 6, chapter 117, Laws of 1973 1st ex. sess. as amended by section 6, chapter 198, Laws of 1974 ex. sess. and RCW 10.77.060; adding new sections to chapter 117, Laws of 1973 1st ex. sess. and to chapter 10.77 RCW; 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 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 11, chapter 117, Laws of 1973 1st ex. sess., section 10, chapter 198, Laws of 1974 ex. sess. and RCW 10.77.110; repealing section 13, chapter 117, Laws of 1973 1st ex. sess. and RCW 10.77.130; 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; and repealing section 26, chapter 117, Laws of 1973 1st ex. sess. and RCW 10.77.900.

Referred to Judiciary Committee.

MOTION

On motion of Senator Mardesich, Senate Bill No. 2438 was ordered held on the Secretary's desk.

SENATE BILL NO. 2439, by Senator Pullen:

An Act relating to state residential schools; and 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.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2440, by Senator Pullen:

An Act relating to prison terms, paroles, and probation; amending section 3, chapter 32, Laws of 1959 and RCW 9.95.007; and amending section 5, chapter 133, Laws of 1955 as amended by section 2, chapter 138, Laws of 1961 and RCW 9.95.040.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2441, by Senators Odegaard and Bottiger:

An Act relating to revenue and taxation; providing for a tax on mineral rights in property severed from the surface rights thereof; and adding new sections to Title 84 RCW.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2442, by Senators Goltz, Benitz, Washington and Morrison:

An Act relating to the state colleges; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.40 RCW; repealing section 28B.40.200, chapter 223, Laws of 1969 ex. sess. and RCW 28B.40.200; and repealing section 28B.40.210, chapter 223, Laws of 1969 ex. sess. and RCW 28B.40.210.

Referred to Committee on Higher Education.

SENATE BILL NO. 2443, by Senators Washington and Murray:

An Act relating to shoreline management; amending section 3, chapter 286, Laws of 1971 ex. sess. as amended by section 1, chapter 203, Laws of 1973 1st ex. sess. and RCW 90.58.030; amending section 12, chapter 286, Laws of 1971 ex. sess. and RCW 90.58.120; amending section 14, chapter 286, Laws of 1971 ex. sess. as amended by section 1, chapter 19, Laws of 1973 2nd ex. sess. and RCW 90.58.140; and amending section 18, chapter 286, Laws of 1971 ex. sess. as amended by section 2, chapter 203, Laws of 1973 1st ex. sess. and RCW 90.58.180.

Referred to Committee on Ecology.

SENATE BILL NO. 2444, by Senators Pullen, Jolly, Lewis (R. H. "Bob") and Sellar:

An Act relating to education, and the teaching of multiple philosophical viewpoints in certain public educational institutions; and adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.05 RCW.

Referred to Committee on Education.

SENATE BILL NO. 2445, by Senators Bluechel, Bottiger, Morrison and Jones (by Executive request):

An Act relating to energy facilities; adding a new chapter to Title 80 RCW; repealing section 1, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.010; repealing sec-

tion 2, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.020; repealing section 3, chapter 45, Laws of 1970 ex. sess. section 46, chapter 171, Laws of 1974 ex. sess. and RCW 80.50.030; repealing section 4, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.040; repealing section 5, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.050; repealing section 6, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.060; repealing section 7, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.070; repealing section 8, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.080; repealing section 9, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.090; repealing section 10, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.100; repealing section 11, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.110; repealing section 12, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.120; repealing section 13, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.130; repealing section 14, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.140; repealing section 15, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.150; repealing section 16, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.160; repealing section 1, chapter 110, Laws of 1974 ex. sess. and RCW 80.50.170; repealing section 2, chapter 110, Laws of 1974 ex. sess. and RCW 80.50.175; repealing section 17, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.900; and repealing section 3, chapter 110, Laws of 1974 ex. sess. and RCW 80.50.901.

Referred to Committee on Transportation and Utilities.

SENATE JOINT RESOLUTION NO. 115, by Senator Gould (by Executive request):

Proposing a state constitutional convention.

Referred to Committee on Constitution and Elections.

SENATE CONCURRENT RESOLUTION NO. 104, by Senators Grant, Morrison and Ridder:

Providing task force to study problems related to employment in nursing homes.

Referred to Committee on Labor.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 24, by Committee on Social and Health Services (originally sponsored by Representatives Erickson, Haley, Gallagher and Jueling):

Permitting waiver of three-year residence requirement for admission to the state soldiers' home.

Referred to Committee on Social and Health Services.

HOUSE BILL NO. 63, by Representative Tilly:

Increasing penalty for violation of stock restricted area statutes.

Referred to Committee on Agriculture.

ENGROSSED HOUSE BILL NO. 138, by Representatives Clemente, Brown and Warnke (by Superintendent of Public Instruction request):

Including third class school districts within second class school district category and enlarging scope of first class district classification.

Referred to Committee on Education.

ENGROSSED HOUSE BILL NO. 159, by Representatives Thompson, Hendricks and Hanna:

Restricting and regulating the sale of convict-made goods.

Referred to Committee on Social and Health Services.

INTRODUCTION AND FIRST READING

SENATE BILL NO. 2438, by Senator Bluechel:

An Act relating to land use planning; providing for the management thereof by

state and local governments; creating a new title in the Revised Code of Washington to be designated as Title 64A RCW; prescribing an effective date; and declaring an emergency.

MOTION

Senator Fleming moved that Senate Bill No. 2438 be referred to the Committee on Local Government.

Debate ensued.

POINT OF INQUIRY

Senator Francis: "Will Senator Rasmussen yield to a question? Senator Rasmussen, if this bill is referred to your committee, are you going to hold a hearing on it?"

Senator Rasmussen: "Probably a number of hearings, Senator Francis."

Senator Francis: "And you are going to let it come to a vote of your committee members?"

Senator Rasmussen: "Yes."

Senator Francis: "All right. On that basis. . . ."

Senator Rasmussen: "Senator Francis, I may say also that we have had a subcommittee of five chairmen that met during the interim and have worked on land use, and I think we are getting people more familiar with it all the time and probably will get a good bill."

Senator Francis: "Although I do not agree with all of Senator Bailey's reasoning, and especially since I think that counties encompass all of the land area in our state, it does include the same geographical area in local government as we do in state government, but after Senator Rasmussen's assurances that he is going to give the bill the same fair consideration that I am going to give his hitchhiking bill, why, I am glad to put it in that committee."

Further debate ensued.

POINT OF INQUIRY

Senator Lewis (Harry): "Will Senator Bluechel yield to a question? Are you on Local Government Committee?"

Senator Bluechel: "No, I am not."

Senator Lewis (Harry): "I see. Are you on State Government?"

Senator Bluechel: "No, I am not."

Further debate ensued.

POINT OF INQUIRY

Senator Fleming: "Would Senator Guess yield to a question? Senator Guess, would you mind reading, I think it is either the second or third paragraph that you failed to read in there where it told the true requirements of that bill for state government and local government and it mainly requires land use planning on the local government level."

Senator Guess: "Senator Fleming, the second paragraph says, 'The legislature declares it is a state policy'. The third paragraph, 'The Legislature declares it is essential for the regulation of land by local governments that shall implement the goals, objectives, and the policies and the programs for land use plans'."

Further debate ensued.

MOTION

Senator Bottiger moved that the motion by Senator Fleming be amended or a substitute motion made to refer Senate Bill No. 2438 to the Committee on Agriculture.

The President advised Senator Bottiger that the motion is of equal rank and under the Rules there is no provision for a substitute motion.

REMARKS BY SENATOR GUESS

Senator Guess: "Mr. President, I would like to, with Senator Fleming's permission, read a few more of these paragraphs in here. 'The Legislature declares that the continued

responsibility of the state government is to monitor all of the use of the lands of the state and to give preference for the long-term interest of all of the people of the state 'To provide for the health, safety, and social and economic well-being of the people of this state.' 'The Legislature declares it is the continuing responsibility of the state government to provide information services and to promote the exchange of land use information among all levels of government.' So it is a state government — the brunt of the whole thing is state government control."

Further debate ensued.

Senator Lewis (R. H. "Bob") demanded a roll call and the demand was sustained by Senators Murray, Bluechel, Washington, Bailey, Ridder, Herr, Fleming, von Reichbauer and Wanamaker.

ROLL CALL

The Secretary called the roll and the motion by Senator Fleming carried by the following vote: Yeas, 30; nays, 18; excused, 1.

Voting yea: Senators Benitz, Bluechel, Buffington, Clarke, Fleming, Francis, Goltz, Gould, Grant, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), McDermott, Morrison, Murray, Newschwander, North, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, Walgren, Washington, Woody—30.

Voting nay: Senators Bailey, Beck, Bottiger, Cunningham, Day, Donohue, Guess, Henry, Lewis (R. H. "Bob"), Mardesich, Marsh, Odegaard, Peterson, Pullen, Rasmussen, von Reichbauer, Wanamaker, Wilson—18.

Excused: Senator Matson—1.

Senate Bill No. 2438 was referred to the Committee on Local Government.

MOTION

On motion of Senator Mardesich, Senate Bill Nò. 2044, as amended on February 5 and February 6, was ordered held on the second reading calendar for Monday, February 10, 1975.

CONFIRMATIONS OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Bailey, the appointment of RANCE FREEMAN as a member of the Emergency Medical and Ambulance Review Committee was confirmed.

APPOINTMENT OF RANCE FREEMAN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—48.

Excused: Senator Matson—1.

MOTION

On motion of Senator Day, the appointment of JAY M. KRANZ, M.D. as a member of the Emergency Medical and Ambulance Review Committee was confirmed.

APPOINTMENT OF JAY M. KRANZ, M.D.

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—48.

Excused: Senator Matson—1.

MOTION

On motion of Senator Day, the appointment of ANTHONY I. EYRING as a member of the Health Care Facilities Authority was confirmed.

APPOINTMENT OF ANTHONY I. EYRING

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 44; absent or not voting, 4; excused, 1.

Voting yea: Senators Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Francis, Goltz, Gould, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—44.

Absent or not voting: Senators Bailey, Fleming, Grant, Stortini—4.

Excused: Senator Matson—1.

MOTION

On motion of Senator Sandison, the appointment of WALTER HOWE as a member of the Council on Higher Education was confirmed.

APPOINTMENT OF WALTER HOWE

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 Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—46.

Absent or not voting: Senators Bailey, Stortini—2.

Excused: Senator Matson—1.

MOTION

On motion of Senator Day, the appointment of EDYRN H. JONES as a member of the Washington State Board of Pharmacy was confirmed.

APPOINTMENT OF EDYRN H. JONES

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 Bailey, Beck, Benitz, Bluechel, Böttiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—46.

Absent or not voting: Senators Stortini, Talley—2.

Excused: Senator Matson—1.

MOTION

On motion of Senator Knoblauch, Senator Stortini was excused.

MOTION

On motion of Senator Day, the appointment of KATHRYN L. OSBORNE as a member of the Washington State Board of Pharmacy was confirmed.

APPOINTMENT OF KATHRYN L. OSBORNE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—47.

Excused: Senators Matson, Stortini—2.

MOTION

On motion of Senator Sandison, the appointment of R. MORT FRAYN as a member of the University of Washington Board of Regents was confirmed.

APPOINTMENT OF R. MORT FRAYN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 44; absent or not voting, 3; excused, 2.

Voting yea: Senators Bailey, Beck, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Morrison, Murray, Newschwander, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—44.

Absent or not voting: Senators Benitz, Jones, North—3.

Excused: Senators Matson, Stortini—2.

MOTION

On motion of Senator Sandison, the appointment of RAMON J. GOULD as a member of the Board of Trustees of Community College District Number Five, Everett and Edmonds Community Colleges, was confirmed.

APPOINTMENT OF RAMON J. GOULD

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 Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—46.

Absent or not voting: Senator Gould—1.

Excused: Senators Matson, Stortini—2.

MOTION

On motion of Senator Jolly, the appointment of STEWART BLEDSOE as Director of the Department of Agriculture was confirmed.

APPOINTMENT OF STEWART BLEDSOE

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 Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—46.

Absent or not voting: Senator Guess—1.

Excused: Senators Matson, Stortini—2.

MOTION

On motion of Senator Walgren, the appointment of NORMAN A. MAJER as a member of the Aeronautics Commission was confirmed.

APPOINTMENT OF NORMAN A. MAJER

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 Bailey, Beck, Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—45.

Absent or not voting: Senators Bottiger, Guess—2.

Excused: Senators Matson, Stortini—2.

MOTION

On motion of Senator Walgren, the appointment of JOHN A. EARLEY as a member of the Canal Commission was confirmed.

APPOINTMENT OF JOHN A. EARLEY

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 Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—46.

Absent or not voting: Senator Guess—1.

Excused: Senators Matson, Stortini—2.

MOTIONS

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

At 12:40 p.m., on motion of Senator Mardesich, the Senate was declared to be at ease.

The President called the Senate to order at 1:00 p.m.

MOTION

At 1:02 p.m., on motion of Senator Mardesich, the Senate adjourned until Monday, February 10, 1975.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

TWENTY-NINTH DAY

AFTERNOON SESSION

Senate Chamber, Olympia, Monday, February 10, 1975.

The Senate was called to order at 1:00 p.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senator Wanamaker. On motion of Senator Lewis (R. H. "Bob"), Senator Wanamaker was excused.

The Color Guard, consisting of Boy Scouts from the Tumwater Council, presented the Colors. Reverend Glen D. Cole, pastor of Evergreen Christian Center of Olympia, offered the following prayer:

"OUR HEAVENLY FATHER, WE PAUSE TODAY TO EXPRESS OUR THANKS FOR YOUR WONDERFUL PROVISIONS FOR US IN THIS LIFE. PROVISIONS OF FAITH, LOVE, HOPE, AND ALL THE MATERIAL THINGS NEEDED. WE ALSO THANK YOU FOR A MIND THAT CAN THINK AND HANDS THAT CAN WORK. BUT WE RECOGNIZE THAT WE NEED DIVINE DIRECTION IN HOW WE THINK AND IN HOW WE WORK. AS WE STAND BEFORE YOU IN THIS MOMENT OF MEDITATION, FILL OUR MINDS WITH YOUR THOUGHTS AND OUR LIVES WITH YOUR GOODNESS. FORGIVE US FOR ALL THAT HAS MARRED THE PAST, AND HELP US TO GO ON WITH FAITH AND COURAGE. DIRECT THIS SENATE TODAY IN ALL THEIR DELIBERATIONS. POUR INTO THEM ENERGY AND ENTHUSIASM FOR THEIR WORK. MAY THE UNSEEN HAND OF GOD GUIDE THEM IN ALL MATTERS. . . . FOR THE GOOD OF THE PEOPLE, AND FOR THE GLORY OF GOD. WE MAKE THIS OUR PRAYER, IN JESUS' NAME. AMEN."

MOTION

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

REPORTS OF STANDING COMMITTEES

February 5, 1975.

SENATE BILL NO. 2035, authorizing library trustees to provide library services to Indian tribes (reported by Committee on Higher Education):

Recommendation: Do pass as amended.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Guess, Odegaard, Scott.

Passed to Committee on Rules for second reading.

February 7, 1975.

SENATE BILL NO. 2170, deleting the taking of a horse, team or automobile without authority from crime of destruction of property (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Buffington, Clarke, Fleming, Jones, Marsh, Scott, Van Hollebeke.

Passed to Committee on Rules for second reading.

February 7, 1975.

SENATE BILL NO. 2172, requiring the clerk of district and municipal courts to collect and remit fees, costs, penalties, fines and forfeitures (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Francis, Chairman; Buffington, Clarke, Fleming, Jones, Marsh, Scott, Van Hollebeke.

Passed to Committee on Rules for second reading.

February 7, 1975.

SENATE BILL NO. 2182, revising law on jury fees (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Francis, Chairman; Buffington, Clarke, Fleming, Jones, Marsh, Van Hollebeke.

Passed to Committee on Rules for second reading.

February 5, 1975.

HOUSE BILL NO. 100, providing for bond financing of pollution control and industrial development (reported by Committee on Ecology):

MAJORITY recommendation: Do pass.

Signed by: Senators Donohue, Goltz, Guess, Murray, North, Sandison.

Passed to Committee on Rules for second reading.

February 7, 1975.

HOUSE BILL NO. 226, appropriating funds for bill drafting and session law publication (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Bailey, Jones, Marsh, Murray, Newschwander, Rasmussen, Sandison, Scott, Washington.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENTS

February 5, 1975.

RICK ANCHETA, to the position of member of the Commission on Asian American Affairs, appointed by the Governor on April 11, 1972 for the term ending July 1, 1975 (reported by the Committee on State Government):

Recommends that said appointment be confirmed.

Signed by: Senators Rasmussen, Chairman; Buffington, Cunningham, Day, Henry, Knoblauch, Wanamaker.

Passed to Committee on Rules.

February 5, 1975.

MAXINE CHAN, to the position of member of the Commission on Asian Amer-

ican Affairs, appointed by the Governor on July 5, 1973 for the term ending July 1, 1976, succeeding herself (reported by the Committee on State Government):

Recommends that said appointment be confirmed.

Signed by: Senators Rasmussen, Chairman; Buffington, Cunningham, Day, Henry, Knoblauch, Wanamaker.

Passed to Committee on Rules.

February 5, 1975.

CHERYL CHOW, to the position of member of the Commission on Asian American Affairs, appointed by the Governor on April 11, 1972 for the term ending July 1, 1975, succeeding herself (reported by the Committee on State Government):

Recommends that said appointment be confirmed.

Signed by: Senators Rasmussen, Chairman; Buffington, Cunningham, Day, Henry, Knoblauch, Wanamaker.

Passed to Committee on Rules.

February 5, 1975.

REY PASCUA, to the position of member of the Commission on Asian American Affairs, appointed by the Governor on July 5, 1973 for the term ending July 1, 1976, succeeding Frederic Cordova (reported by the Committee on State Government):

Recommends that said appointment be confirmed.

Signed by: Senators Rasmussen, Chairman; Buffington, Cunningham, Day, Henry, Knoblauch, Wanamaker.

Passed to Committee on Rules.

February 5, 1975.

LOIS FLEMING, to the position of member of the Commission on Asian American Affairs, appointed by the Governor on July 11, 1974, for the term ending July 1, 1977, succeeding herself (reported by the Committee on State Government):

Recommends that said appointment be confirmed.

Signed by: Senators Rasmussen, Chairman; Buffington, Cunningham, Day, Henry, Knoblauch, Wanamaker.

Passed to Committee on Rules.

February 5, 1975.

FRANK HATTORI, to the position of member of the Commission on Asian American Affairs, appointed by the Governor on July 11, 1974 for the term ending July 1, 1977, succeeding himself (reported by the Committee on State Government):

Recommends that said appointment be confirmed.

Signed by: Senators Rasmussen, Chairman; Buffington, Cunningham, Day, Henry, Knoblauch, Wanamaker.

Passed to Committee on Rules.

February 5, 1975.

PHILIP HAYASAKA, to the position of member of the Commission on Asian American Affairs, appointed by the Governor on July 11, 1974 for the term ending July 1, 1977, succeeding himself (reported by the Committee on State Government):

Recommends that said appointment be confirmed.

Signed by: Senators Rasmussen, Chairman; Buffington, Cunningham, Day, Henry, Knoblauch, Wanamaker.

Passed to Committee on Rules.

February 5, 1975.

DON KAZAMA, to the position of member of the Commission on Asian Amer-

ican Affairs, appointed by the Governor on July 5, 1973 for the term ending July 1, 1976, succeeding himself (reported by the Committee on State Government):

Recommends that said appointment be confirmed.

Signed by: Senators Rasmussen, Chairman; Buffington, Cunningham, Day, Henry, Knoblauch, Wanamaker.

Passed to Committee on Rules.

February 5, 1975.

DR. HAE SOUNG KIM, to the position of member of the Commission on Asian American Affairs, appointed by the Governor on July 5, 1973 for the term ending July 1, 1976, succeeding himself (reported by the Committee on State Government):

Recommends that said appointment be confirmed.

Signed by: Senators Rasmussen, Chairman; Buffington, Cunningham, Day, Henry, Knoblauch, Wanamaker.

Passed to Committee on Rules.

February 5, 1975.

JOAN SPARKS, to the position of member of the Commission on Asian American Affairs, appointed by the Governor on July 5, 1973 for the term ending July 1, 1976, succeeding herself (reported by the Committee on State Government):

Recommends that said appointment be confirmed.

Signed by: Senators Rasmussen, Chairman; Buffington, Cunningham, Day, Henry, Knoblauch, Wanamaker.

Passed to Committee on Rules.

February 5, 1975.

RICHARD LEE, to the position of member of the Commission on Asian American Affairs, appointed by the Governor on July 11, 1974 for the term ending July 1, 1977, succeeding himself (reported by the Committee on State Government):

Recommends that said appointment be confirmed.

Signed by: Senators Rasmussen, Chairman; Buffington, Cunningham, Day, Henry, Knoblauch, Wanamaker.

Passed to Committee on Rules.

February 5, 1975.

MAKO NAKAGAWA, to the position of member of the Commission on Asian American Affairs, appointed by the Governor on August 28, 1974 for the term ending July 1, 1976, succeeding Joe Okimoto (reported by the Committee on State Government):

Recommends that said appointment be confirmed.

Signed by: Senators Rasmussen, Chairman; Buffington, Cunningham, Day, Henry, Knoblauch, Wanamaker.

Passed to Committee on Rules.

February 5, 1975.

VINCENT BARRIOS, to the position of member of the Commission on Asian American Affairs, appointed by the Governor on January 24, 1974 for the term ending July 1, 1975, succeeding Fred Pagaduan (reported by the Committee on State Government):

Recommends that said appointment be confirmed.

Signed by: Senators Rasmussen, Chairman; Buffington, Cunningham, Day, Henry, Knoblauch, Wanamaker.

Passed to Committee on Rules.

February 5, 1975.

NAM HI KNOWLES, to the position of member of the Commission on Asian

American Affairs, appointed by the Governor on July 11, 1974 for the term ending July 1, 1977 (reported by the Committee on State Government):

Recommends that said appointment be confirmed.

Signed by: Senators Rasmussen, Chairman; Buffington, Cunningham, Day, Henry, Knoblauch, Wanamaker.

Passed to Committee on Rules.

February 5, 1975.

RAY CORPUZ, to the position of member of the Commission on Asian American Affairs, appointed by the Governor on July 11, 1974 for the term ending July 1, 1977 (reported by the Committee on State Government):

Recommends that said appointment be confirmed.

Signed by: Senators Rasmussen, Chairman; Buffington, Cunningham, Day, Henry, Knoblauch, Wanamaker.

Passed to Committee on Rules.

February 5, 1975.

DR. JAMES WATANABE, to the position of member of the Commission on Asian American Affairs, appointed by the Governor on April 11, 1972 for the term ending July 1, 1975 (reported by the Committee on State Government):

Recommends that said appointment be confirmed.

Signed by: Senators Rasmussen, Chairman; Buffington, Cunningham, Day, Henry, Knoblauch, Wanamaker.

Passed to Committee on Rules.

February 5, 1975.

BEN WOO, to the position of member of the Commission on Asian American Affairs, appointed by the Governor on April 11, 1972 for the term ending July 1, 1975 (reported by the Committee on State Government):

Recommends that said appointment be confirmed.

Signed by: Senators Rasmussen, Chairman; Buffington, Cunningham, Day, Henry, Knoblauch, Wanamaker.

Passed to Committee on Rules.

February 5, 1975.

REVEREND BOB YAMASHITA, to the position of member of the Commission on Asian American Affairs, appointed by the Governor on April 11, 1972 for the term ending July 1, 1975 (reported by the Committee on State Government):

Recommends that said appointment be confirmed.

Signed by: Senators Rasmussen, Chairman; Buffington, Cunningham, Day, Henry, Knoblauch, Wanamaker.

Passed to Committee on Rules.

February 5, 1975.

DR. ISABELLA YEN, to the position of member of the Commission on Asian American Affairs, appointed by the Governor on July 11, 1974 for the term ending July 1, 1977, succeeding herself (reported by the Committee on State Government):

Recommends that said appointment be confirmed.

Signed by: Senators Rasmussen, Chairman; Buffington, Cunningham, Day, Henry, Knoblauch, Wanamaker.

Passed to Committee on Rules.

February 5, 1975.

MARGARET ZAMUDIO, to the position of member of the Mexican American Affairs Commission, appointed by the Governor on August 21, 1974 for the term ending July 1, 1975, succeeding Tomas Villanueva (reported by the Committee on State Government):

Recommends that said appointment be confirmed.

Signed by: Senators Rasmussen, Chairman; Buffington, Cunningham, Day, Henry, Knoblauch, Wanamaker.

Passed to Committee on Rules.

February 5, 1975.

ADAN FARIAS TIJERINA, to the position of member of the Mexican American Affairs Commission, appointed by the Governor on August 3, 1971 for the term ending July 1, 1975 (reported by the Committee on State Government):

Recommends that said appointment be confirmed.

Signed by: Senators Rasmussen, Chairman; Buffington, Cunningham, Day, Henry, Knoblauch, Wanamaker.

Passed to Committee on Rules.

February 5, 1975.

MAX PEREZ, to the position of member of the Mexican American Affairs Commission, appointed by the Governor on July 18, 1973 for the term ending July 1, 1977, succeeding Tino Cervantes (reported by the Committee on State Government):

Recommends that said appointment be confirmed.

Signed by: Senators Rasmussen, Chairman; Buffington, Cunningham, Day, Henry, Knoblauch, Wanamaker.

Passed to Committee on Rules.

February 5, 1975.

MRS. GUADALUPE ZUNIGA, to the position of member of the Mexican American Affairs Commission, appointed by the Governor on July 18, 1973 for the term ending July 1, 1977, succeeding Theresa A. De Shepro (reported by the Committee on State Government):

Recommends that said appointment be confirmed.

Signed by: Senators Rasmussen, Chairman; Buffington, Cunningham, Day, Henry, Knoblauch, Wanamaker.

Passed to Committee on Rules.

February 5, 1975.

ROD SANCHEZ, to the position of member of the Mexican American Affairs Commission, appointed by the Governor on July 18, 1973 for the term ending July 1, 1977, succeeding Martin Yanez (reported by the Committee on State Government):

Recommends that said appointment be confirmed.

Signed by: Senators Rasmussen, Chairman; Buffington, Cunningham, Day, Henry, Knoblauch, Wanamaker.

Passed to Committee on Rules.

February 5, 1975.

ROBERT GUADIANA, to the position of member of the Mexican American Affairs Commission, appointed by the Governor on July 18, 1973 for the term ending July 1, 1977, succeeding Guadalupe Gamboa (reported by the Committee on State Government):

Recommends that said appointment be confirmed.

Signed by: Senators Rasmussen, Chairman; Buffington, Cunningham, Day, Henry, Knoblauch, Wanamaker.

Passed to Committee on Rules.

February 5, 1975.

EDDY ESPARZA, to the position of member of the Mexican American Affairs Commission, appointed by the Governor on July 18, 1973 for the term ending July 1, 1977, succeeding Raymond Lopez (reported by the Committee on State Government):

Recommends that said appointment be confirmed.

Signed by: Senators Rasmussen, Chairman; Buffington, Cunningham, Day, Henry, Knoblauch, Wanamaker.

Passed to Committee on Rules.

February 5, 1975.

RUDOLFO CORTEZ, to the position of member of the Mexican American Affairs Commission, appointed by the Governor on July 18, 1973 for the term ending July 1, 1977, succeeding himself (reported by the Committee on State Government):

Recommends that said appointment be confirmed.

Signed by: Senators Rasmussen, Chairman; Buffington, Cunningham, Day, Henry, Knoblauch, Wanamaker.

Passed to Committee on Rules.

February 5, 1975.

GILBERT HIRABAYASHI, to the position of member of the Commission on Asian American Affairs, appointed by the Governor on December 30, 1974 for the term ending July 1, 1975, succeeding Frank S. Fujii (reported by the Committee on State Government):

Recommends that said appointment be confirmed.

Signed by: Senators Rasmussen, Chairman; Buffington, Cunningham, Day, Henry, Knoblauch, Wanamaker.

Passed to Committee on Rules.

February 5, 1975.

THOMAS CERNA, JR., to the position of member of the Mexican American Affairs Commission, appointed by the Governor on August 3, 1971 for the term ending July 1, 1975 (reported by the Committee on State Government):

Recommends that said appointment be confirmed.

Signed by: Senators Rasmussen, Chairman; Buffington, Cunningham, Day, Henry, Knoblauch, Wanamaker.

Passed to Committee on Rules.

February 5, 1975.

KEO J. CAPESTANY, to the position of member of the Mexican American Affairs Commission, appointed by the Governor on August 3, 1971 for the term ending July 1, 1975 (reported by the Committee on State Government):

Recommends that said appointment be confirmed.

Signed by: Senators Rasmussen, Chairman; Buffington, Cunningham, Day, Henry, Knoblauch, Wanamaker.

Passed to Committee on Rules.

February 5, 1975.

DR. ZENAIDO CAMACHO, to the position of member of the Mexican American Affairs Commission, appointed by the Governor on August 3, 1971 for the term ending July 1, 1975 (reported by the Committee on State Government):

Recommends that said appointment be confirmed.

Signed by: Senators Rasmussen, Chairman; Buffington, Cunningham, Day, Henry, Knoblauch, Wanamaker.

Passed to Committee on Rules.

MESSAGES FROM THE HOUSE

February 7, 1975.

Mr. President: The House has passed:

ENGROSSED HOUSE BILL NO. 16,
HOUSE BILL NO. 104,
ENGROSSED HOUSE BILL NO. 105,
ENGROSSED HOUSE BILL NO. 106,
HOUSE BILL NO. 199, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

February 7, 1975.

Mr. President: In accordance with HOUSE CONCURRENT RESOLUTION NO. 8, the following Representatives have been appointed as the House committee: Representative Phyllis K. Erickson, Representative P. J. "Jim" Gallagher and Representative William "Bill" Paris.

DEAN R. FOSTER, Chief Clerk.

February 6, 1975.

Mr. President: The Speaker has signed HOUSE CONCURRENT RESOLUTION NO. 8, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:
HOUSE CONCURRENT RESOLUTION NO. 8.

APPOINTMENT OF MEMORIAL COMMITTEE

The President appointed Senators Ridder, Gould and von Reichbauer to the Memorial Committee under the provisions of House Concurrent Resolution No. 8.

MOTION

On motion of Senator Mardesich, the appointees were confirmed.

INTRODUCTION AND FIRST READING

SENATE BILL NO. 2446, by Senators Benitz, Washington, Jolly and Morrison (by Executive request):

An Act relating to water supply bond issue; and amending section 5, chapter 128, Laws of 1972 ex. sess. and RCW 43.83B.050.

Referred to Committee on Ecology.

SENATE BILL NO. 2447, by Senators Bailey, Rasmussen and Newschwander:

An Act relating to the retirement systems; amending section 3, chapter 216, Laws of 1971 ex. sess. as amended by section 5, chapter 131, Laws of 1972 ex. sess. and RCW 41.26.085; amending section 1, chapter 274, Laws of 1947 as last amended by section 2, chapter 190, Laws of 1973 1st ex. sess. and RCW 41.40.010; amending section 13, chapter 274, Laws of 1947 as last amended by section 2, chapter 195, Laws of 1974 ex. sess. and RCW 41.40.120; amending section 16, chapter 274, Laws of 1947 as last amended by section 3, chapter 195, Laws of 1974 ex. sess. and RCW 41.40.150; amending section 19, chapter 274, Laws of 1947 as last amended by section 7, chapter 190, Laws of 1973 1st ex. sess. and RCW 41.40.180; amending section 1, chapter 68, Laws of 1970 ex. sess. as last amended by section 1, chapter 14, Laws of 1973 2nd ex. sess. and RCW 41.40.195; 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 10, chapter 151, Laws of 1972 ex. sess. and RCW 41.40.235; amending section 28, chapter 274, Laws of 1947 as last amended by section 12, chapter 151, Laws of 1972 ex. sess. and RCW 41.40.270; 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 4, chapter 231, Laws of 1957 as last amended by section 13, chapter 190, Laws of 1973 1st ex. sess. and RCW 41.40.361; adding new sections to chapter 41.40 RCW; repealing section 31, chapter 274, Laws of 1947, section 21, chapter 240, Laws of 1949 and RCW 41.40.300; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2448, by Senator Mardesich:

An Act relating to land use planning; and adding a new chapter to Title 64 RCW.

Referred to Committee on Local Government.

SENATE BILL NO. 2449, by Senators Fleming, Scott, Buffington, Ridder, Grant, Day, Wilson, North, Gould, McDermott and Goltz:

An Act relating to qualifications of jurors; and amending section 1, chapter 57, Laws of 1911 as amended by section 3, chapter 292, Laws of 1971 ex. sess. and RCW 2.36.070.

Referred to Judiciary Committee.

SENATE BILL NO. 2450, by Senators Grant, Morrison and Ridder:

An Act relating to public employee's collective bargaining; amending section 3, chapter 108, Laws of 1967 ex. sess. as amended by section 2, chapter 131, Laws of 1973 and RCW 41.56.030; amending section 6, chapter 108, Laws of 1967 ex. sess. and RCW 41.56.060; amending section 7, chapter 108, Laws of 1967 ex. sess. and RCW 41.56.070; amending section 2, chapter 59, Laws of 1973 and RCW 41.56.122; and adding new sections to chapter 41.56 RCW.

Referred to Committee on Labor.

SENATE BILL NO. 2451, by Senators Walgren, Murray, Goltz, Scott, North, Bot-tiger and Washington (by Executive request):

An Act relating to petroleum transfer and safety; amending section 4, chapter 180, Laws of 1971 ex. sess. and RCW 90.48.390; amending section 5, chapter 180, Laws of 1971 ex. sess. and RCW 90.48.400; adding a new chapter to Title 90 RCW; defining crimes; and prescribing penalties.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 2452, by Senators Henry and Wanamaker:

An Act relating to motor vehicle licenses; and amending section 46.16.137, chapter 12, Laws of 1961 as last amended by section 1, chapter 172, Laws of 1974 ex. sess. and RCW 46.16.137.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 2453, by Senators Murray, Fleming, North and Bailey:

An Act relating to criminal justice training; and amending section 8, chapter 94, Laws of 1974 ex. sess. and RCW 43.101.080.

MOTION

On motion of Senator Mardesich, Senate Bill No. 2453 was referred to the Com-mittee on Local Government.

SENATE BILL NO. 2454, by Senators Murray, Fleming and North:

An Act relating to criminal justice training; amending section 8, chapter 94, Laws of 1974 ex. sess. and RCW 43.101.080; and amending section 15, chapter 94, Laws of 1974 ex. sess. and RCW 43.101.150.

MOTION

On motion of Senator Mardesich, Senate Bill No. 2454 was referred to the Com-mittee on Local Government.

SENATE BILL NO. 2455, by Senator Francis:

An Act relating to employment procedures; adding new sections to chapter 9.73 RCW; and prescribing penalties.

Referred to Committee on Labor.

SENATE JOINT RESOLUTION NO. 116, by Senators Murray, Mardesich and Lewis (Harry):

Pertaining to compensation of state officials.

Referred to Committee on State Government.

There being no objection, the rules were suspended and additional sponsors were permitted on the following Senate Bills: 2446, 2449, 2451 and 2453.

ENGROSSED HOUSE BILL NO. 16, by Representatives May, Warnke, Parker and Clemente:

Revising appeal procedure from orders of the department of labor and industries.

Referred to Committee on Labor.

HOUSE BILL NO. 104, by Representatives Shinpoch, Curtis, Bagnariol, Polk, Amen, Flanagan, North and Randall (by Legislative Budget Committee request):

Restricting the power of state agencies to provide cars to employees.

Referred to Committee on State Government.

ENGROSSED HOUSE BILL NO. 105, by Representatives Shinpoch, Curtis, Bagnariol, Polk, Flanagan and North:

Transferring the state motor pool to the department of general administration.

Referred to Committee on State Government.

ENGROSSED HOUSE BILL NO. 106, by Representatives Chatalas, Curtis, Shinpoch, Polk, Bagnariol and North (by Legislative Budget Committee request):

Abolishing the state administrative board.

Referred to Committee on State Government.

HOUSE BILL NO. 199, by Representatives Shinpoch and Flanagan:

Repealing laws relating to the Osaka exposition.

Referred to Committee on State Government.

MOTION

On motion of Senator Mardesich, Senate Bill No. 2044, as amended on February 6, 1975, was ordered held on the second reading calendar for Tuesday, February 11, 1975.

SECOND READING

SENATE BILL NO. 2163, by Senators Bluechel, Washington and Benitz:

Designating petrified wood as the official state gem.

The bill was read the second time by sections.

On motion of Senator Mardesich, the rules were suspended, Senate Bill No. 2163 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: "Will Senator Washington yield to a question? Senator Wash-

ington, you know, of course, this bill went through the State Government Committee?"

Senator Washington: "Yes, I recognize that and I want to congratulate you on the very fine hearing you gave it."

Senator Rasmussen: "My question would relate to this. Do you suppose that the Ecology Committee that you are the chairman of would put this state in such a situation, would we become known as the petrified state if we adopted this bill?"

Senator Washington: "You have got to worry about that a little bit, but I think we are dynamic enough that we could not possibly get that appellation."

Senator Rasmussen: "I would hope not. I join in supporting the bill and making this petrified wood the gem. It is very beautiful. Just as long as your committee does not make us a petrified state."

Senator Washington: "We will guard against that."

Senator Rasmussen: "Thank you."

POINT OF INQUIRY

Senator Bailey: "Would Senator Bluechel yield? Senator Bluechel, I am a little concerned about the land use bill which you succeeded in getting into life and into Senator Fleming's committee Friday. I want your assurance, before I vote on this, that the land use bill that you vote for will not be strict enough that you will tell these rock hounds they cannot even pick up a rock unless they have state permission."

Senator Bluechel: "I assure you that the land use bill is not meant to be a strict bill and will say nothing about petrified wood. In fact, in answer to Senator Rasmussen's question also, it will not petrify the state."

Further debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2163, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Woody—48.

Excused: Senator Wanamaker—1.

SENATE BILL NO. 2163, having received the 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. 2079, by Senators Henry, Murray and Beck (by Department of Motor Vehicles request):

Facilitating the refund of erroneously paid camper and trailer tax.

The bill was read the second time by sections.

On motion of Senator Henry, Senate Bill No. 2079 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 Francis: "Would Senator Henry yield? Senator Henry, I do not understand the bill, I guess. Is what you are saying that the Department of Motor Vehicles informs people of when they have overpaid and they need more time to be able to inform them? I had the impression that they find out on their own and they had ninety days to make a claim, but from what your statement was in support of the bill it sounds like they depend upon the Department of Motor Vehicles to tell them when they are overpaid and the department needs more time to get that information to them. Is that the way it works?"

Senator Henry: "I was not at the committee meeting when the bill was heard. Perhaps Senator Walgren can answer that question, Senator Bottiger?"

Senator Bottiger: "Mr. President and members of the Senate, Senator Francis, the time the error is usually discovered is when they get their license fee for the following year. Quite often they do not realize there is a mistake until either it has gone through the computer to send out the bill the following year or they get it and find that they have overpaid, not only the previous year, but they are being billed for an overpayment that year. Under the old law there was nothing we could do about it and they had ninety days from the time they paid it to file their claim. The department has so many complaints like this that they came in and asked for thirty days after, in effect, a year and thirty days more to present the claim so that they could pay it."

Senator Francis: "Thank you very much, Senator Bottiger."

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2079, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Woody—48.

Excused: Senator Wanamaker—1.

SENATE BILL NO. 2079, having received the 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. 2125, by Senators Donohue, Peterson and Matson:

Authorizing alteration of streams by riparian owners in cases of emergency.

MOTIONS

On motion of Senator Peterson, Substitute Senate Bill No. 2125 was substituted for Senate Bill No. 2125 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Donohue, the following amendment was adopted:

On page 1, delete the underlined material on lines 12 and 13.

On motion of Senator Peterson, Engrossed Substitute Senate Bill No. 2125 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Washington: "Will Senator Donohue yield? On line 17 of page 2 of the bill, it states that they will have the right to, the words 'restoring stream banks'. As I understand that, that would be to restore the bank as it was immediately preceding the natural occurrence that we are talking about."

Senator Donohue: "That is correct."

POINT OF INQUIRY

Senator Murray: "Will Senator Bluechel yield to a question? With the Donohue amendment, are we correct in assuming now that this bill will not interfere or change the Shorelines Management Act?"

Senator Bluechel: "Yes, I believe so. I asked that question of three separate entities; the Department of Ecology, the Governor's Office, and the Shorelines Hearing Board. And for the record, I would like to read a very short portion of their answer. This is from the Department of Ecology. 'It does not diminish the authority of the Shorelines

Act in that the language is similar to that contained in the Shorelines Act pertaining to development for which the requirement for a shorelines permit is waived. In practice it would be necessary to determine that a given proposal constituted an emergency under both the Shorelines Act and RCW 75.20.100 before it could proceed.'

"And from the Shoreline Hearing Board, written by Senator Gissberg, he states also that it does not interfere with the Shorelines Management Act but he says the Shorelines Management Act exempts from its permit requirements the following types of substantial development. And Item 3 in this letter is emergency construction necessary to protect property from damage by the elements. It would be necessary to obtain both permits but there are the exemptions and I believe under the final Shoreline master plans now being put together by the counties both the Department of Fisheries, Game, and the Department of Ecology are in the process of developing a system to solve the problem of emergency disasters to streams."

POINT OF INQUIRY

Senator Guess: "Would Senator Bluechel yield? Senator, do I understand you to say that you have to obtain a permit for the exemption? Is that what that . . . ?"

Senator Bluechel: "This bill states that an oral permit will be given immediately upon request by the Department of Fisheries when an emergency exists, in order to correct that emergency. The Shorelines Management Act also needs a permit. They have a set of procedures that are too long to read that would constitute an emergency and under which a permit is granted. But in any emergency at the present time and under our existing state of law, both the Department of Fisheries and the Shorelines Management Act must grant a permit."

Senator Guess: "The thing that bothers me is that in order to get something through the Department of Ecology, I have been trying to get something through now since last June. I have not been able to do it yet. Do you suppose they could act any faster if there was an emergency?"

Senator Bluechel: "I do not think this bill pertains to that particular subject."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2125, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Woody—48.

Excused: Senator Wanamaker—1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2125, having received the 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 1:40 p.m., on motion of Senator Mardesich, the Senate adjourned until 11:00 a.m., Tuesday, February 11, 1975.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

THIRTIETH DAY**MORNING SESSION**

Senate Chamber, Olympia, Tuesday, February 11, 1975.

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 Odegaard. On motion of Senator Knoblauch, Senator Odegaard was excused.

The Color Guard, consisting of Pages Meran Mardesich and Carl Uhlman, presented the Colors. Reverend Glen D. Cole, pastor of Evergreen Christian Center of Olympia, offered the following prayer:

"OUR HEAVENLY FATHER, WE STAND IN THESE HALLS TO THANK YOU FOR THIS GREAT DAY. TO THANK YOU FOR OUR GREAT SAVIOR, JESUS CHRIST. TO THANK YOU FOR OUR GREAT COUNTRY, AMERICA. AS MANY PEOPLE PREPARE FOR SAINT VALENTINE'S DAY, HELP US TO REMEMBER THE REMARKABLE JESUS. HE CAME INTO A WORLD WHERE EVERYBODY THOUGHT THAT THE GREAT POWER WAS FORCE, ONLY TO TEACH AND TO SHOW THAT THE GREATEST POWER IS LOVE. MAY WE TODAY GIVE OURSELVES TO THE ONLY ONE WHO CAN RELEASE US INTO A GREAT LIFE. A LIFE OF LOVING YOU FIRST, LORD, THEN TO LOVE THOSE AROUND US. TO SERVE MANKIND WITH THE JOY THAT JESUS BROUGHT INTO THIS WORLD. INTO A DULL, DEFEATED, WEARY WORLD, HE HAS COME. WE ARE SO GRATEFUL, LORD, FOR THE SIMPLE, PRACTICAL, SENSIBLE, DOWN-TO-EARTH HUMAN-LIFE PRINCIPLES THAT JESUS TAUGHT. GRANT THAT WE MAY REALIZE THAT AS WE EMPLOY HIS ANSWERS, WE WILL ESTABLISH THE PERSONAL RELATIONS WHICH SO GREATLY ENRICH OUR LIVES, AND OUR WORLD. THIS IS NOT JUST A ROUTINE IN THE AGENDA OF THE DAY THAT WE GO THROUGH, LORD. WE TRULY ASK YOU NOW TO FILL OUR LIVES WITH YOUR WISDOM, POWER, AND LOVE, AND THEN HELP US TO TRANSMIT IT INTO ALL THE WORK AND RELATIONSHIPS OF THE DAY. THROUGH JESUS CHRIST OUR LORD. AMEN."

MOTION

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

REPORTS OF STANDING COMMITTEES

February 10, 1975.

SENATE BILL NO. 2047, requiring the preservation of hospital treatment records (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; von Reichbauer, Vice Chairman; Buffington, Cunningham, Francis, Goltz, Gould, McDermott, North, Ridder, Van Hollebeke.

Passed to Committee on Rules for second reading.

February 11, 1975.

SENATE BILL NO. 2124, repealing laws relating to mine to market roads (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass.

Signed by: Senators Peterson, Chairman; Beck, Bluechel, Rasmussen, Sandison, Talley.

Passed to Committee on Rules for second reading.

February 4, 1975.

SENATE BILL NO. 2198, enacting a new criminal code relating to sex crimes (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Francis, Chairman; Buffington, Clarke, Jones, Marsh, Scott, Van Hollebeke.

Passed to Committee on Rules for second reading.

February 10, 1975.

SENATE BILL NO. 2200, prohibiting the possession of currency by prisoners (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; Buffington, Cunningham, Francis, Goltz, Gould, North, Ridder.

Passed to Committee on Rules for second reading.

January 10, 1975.

SENATE BILL NO. 2215, changing mileage rate for members of county road administration boards and urban arterial boards (reported by Committee on Local Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Fleming, Chairman; Jolly, Lewis (R. H. "Bob"), McDermott, North, Talley, Wilson.

Passed to Committee on Rules for second reading.

February 10, 1975.

SENATE BILL NO. 2381, providing for annual review for cancellation of voters but allowing vote in last presidential election to be deemed vote within preceding thirty months (reported by Committee on Constitution and Elections):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Beck, Chairman; Lewis (R. H. "Bob"), Pullen, Stortini, Washington.

Passed to Committee on Rules for second reading.

February 11, 1975.

SENATE BILL NO. 2385, making certain changes in the laws relating to the Ya-burn (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass.

Signed by: Senators Peterson, Chairman; Beck, Bluechel, Rasmussen, Sandison, Talley.

Passed to Committee on Rules for second reading.

February 11, 1975.

SENATE JOINT MEMORIAL NO. 108, memorializing the President and Congress to expand reforestation work on national forest lands (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass.

Signed by: Senators Peterson, Chairman; Beck, Rasmussen, Sandison, Talley.

Passed to Committee on Rules for second reading.

February 10, 1975.

HOUSE BILL NO. 104, restricting the power of state agencies to provide cars to employees (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Rasmussen, Chairman; Buffington, Cunningham, Day, Henry, Knoblauch.

Passed to Committee on Rules for second reading.

REPORT OF STANDING COMMITTEE

GUBERNATORIAL APPOINTMENT

February 10, 1975.

FRED HULEEN, to the position of member of the State Personnel Board, appointed by the Governor on January 4, 1975 for the term ending January 4, 1981, succeeding George Holifield (reported by the Committee on State Government):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Rasmussen, Chairman; Buffington, Cunningham, Day, Henry, Knoblauch.

MOTION

On motion of Senator Mardesich, the rules were suspended and the Senate commenced consideration of the gubernatorial appointment of Fred Huleen.

CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Rasmussen, 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, 48; excused, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—48.

Excused: Senator Odegaard—1.

REPORT OF STANDING COMMITTEE

GUBERNATORIAL APPOINTMENT

February 10, 1975.

DAVE STIPEK, to the position of member of the State Personnel Board, appointed by the Governor on September 11, 1974, for the term ending January 4, 1979, succeeding Sam Kinville (reported by the Committee on State Government):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Rasmussen, Chairman; Buffington, Cunningham, Day, Henry, Knoblauch.

MOTION

On motion of Senator Mardesich, the rules were suspended and the Senate commenced consideration of the gubernatorial appointment of Dave Stipek.

CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Rasmussen, the appointment of DAVE STIPEK as a member of the State Personnel Board was confirmed.

APPOINTMENT OF DAVE STIPEK

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke,

Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Waigren, Wanamaker, Washington, Wilson, Woody—48.

Excused: Senator Odegaard—1.

MESSAGE FROM THE HOUSE

February 10, 1975.

Mr. President: The House has passed:
 SUBSTITUTE HOUSE BILL NO. 77,
 HOUSE BILL NO. 267,
 ENGROSSED HOUSE BILL NO. 354,
 HOUSE JOINT MEMORIAL NO. 2,
 ENGROSSED HOUSE JOINT MEMORIAL NO. 8, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

INTRODUCTION AND FIRST READING

SENATE BILL NO. 2456, by Senators Henry, Guess and Mardesich:

An Act relating to the Washington state national guard; creating new sections; adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.15 RCW; and making an appropriation.

Referred to Committee on State Government.

SENATE BILL NO. 2457, by Senator Rasmussen:

An Act relating to public employee retirement systems; adding a new section to chapter 41.04 RCW; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2458, by Senators Bottiger, Odegaard and Matson:

An Act relating to revenue and taxation; and adding a new section to chapter 84.40 RCW.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2459, by Senator Beck:

An Act relating to elections; amending section 29.07.160, chapter 9, Laws of 1965 as last amended by section 4, chapter 127, Laws of 1974 ex. sess. and RCW 29.07.160; amending section 29.36.010, chapter 9, Laws of 1965 as last amended by section 1, chapter 35, Laws of 1974 ex. sess. and RCW 29.36.010; creating new sections; and adding a new section to chapter 9, Laws of 1965 and to chapter 29.36 RCW.

Referred to Committee on Constitution and Elections.

SENATE BILL NO. 2460, by Senators Fleming, Mardesich and Murray:

An Act relating to water districts; providing for the merger or consolidation of water districts in class AA counties; and adding a new chapter to Title 57 RCW.

Referred to Committee on Local Government.

SENATE BILL NO. 2461, by Senators Guess, Benitz and Wilson (by Executive request):

An Act relating to public ground waters; amending section 5, chapter 263, Laws of 1945 as amended by section 1, chapter 122, Laws of 1947 and RCW 90.44.050; and adding a new section to chapter 90.44 RCW to be codified as 90.44.055.

Referred to Committee on Ecology.

SENATE BILL NO. 2462, by Senators Grant and Washington (by Secretary of State request):

An Act relating to state government; amending section 16, chapter 234, Laws of 1969 ex. sess. and RCW 42.18.160; amending section 6, chapter 150, Laws of 1965 ex. sess. as amended by section 1, chapter 188, Laws of 1969 ex. sess. and RCW 42.21.060; amending section 7, chapter 150, Laws of 1965 ex. sess. and RCW 42.21.070; amending section 5, chapter 320, Laws of 1959 and RCW 42.22.050; and creating a new section.

Referred to Committee on State Government.

SUBSTITUTE HOUSE BILL NO. 77, by Committee on Constitution and Elections (originally sponsored by Representatives King, Brown and Chandler):

Implementing the law relating to elections generally.

Referred to Committee on Constitution and Elections.

HOUSE BILL NO. 267, by Representatives Randall, Pardini and Erickson (by Department of Revenue request):

Pertaining to pollution control credits or exemptions.

Referred to Committee on Ways and Means.

ENGROSSED HOUSE BILL NO. 354, by Representatives Randall, Sommers and Hayner (by Department of Revenue request):

Changing "tax commission" to "department of revenue" in various statutes.

Referred to Committee on Ways and Means.

HOUSE JOINT MEMORIAL NO. 2, by Representatives Patterson, Perry, Hansen, Martinis, Gilleland, McCormick, Berentson, Charnley, Bender, Chandler, Conner, Leckenby, Dunlap, Barnes, Sherman, Gallagher, Wilson, Douthwaite, Schumaker, Seberger, Chatalas, Laughlin and McKibbin:

Requesting the federal government return to the states at least fifty percent of increased revenues from new energy conservation taxes.

Referred to Committee on Transportation and Utilities.

ENGROSSED HOUSE JOINT MEMORIAL NO. 8, by Representatives Cochran, Charnley, Wojahn, O'Brien, Chatalas, Knowles, Maxie, Sherman, Hansen, North, Kilbury, Valle, Douthwaite, Williams, Hawkins, Hanna, Parker, Adams, King, Lysen, Moreau, Bender, Moon, Bauer, Clemente, Boldt, Savage and Gallagher:

Requesting Congress and the administration reduce prices of food stamps.

Referred to Committee on Social and Health Services.

MOTIONS

On motion of Senator Ridder, the Committee on Labor was relieved from further consideration of Senate Bill No. 2455.

On motion of Senator Ridder, Senate Bill No. 2455 was referred to the Judiciary Committee.

SECOND READING

SENATE BILL NO. 2044, by Senators Rasmussen and Odegaard:

Regulating the creation and combination of agencies and departments by the executive.

The Senate resumed consideration of Senate Bill No. 2044 on second reading. The bill had been amended on February 6, 1975.

Senator Pullen moved adoption of the following amendment:

On page 2, strike all of section 3.

Debate ensued.

Senator Newschwander demanded a roll call and the demand was sustained by Senators Bottiger, Bailey, Lewis (Harry), Wanamaker, Clarke, Gould, Fleming, Bluechel and Murray.

ROLL CALL

The Secretary called the roll. The motion by Senator Pullen failed and the amendment was not adopted by the following vote: Yeas, 18; nays, 30; excused, 1.

Voting yea: Senators Benitz, Bluechel, Clarke, Cunningham, Gould, Jones, Lewis (Harry), Lewis (R. H. "Bob"), Matson, Morrison, Murray, Newschwander, North, Pullen, Sandison, Scott, Sellar, Wanamaker—18.

Voting nay: Senators Bailey, Beck, Bottiger, Buffington, Day, Donohue, Fleming, Francis, Goltz, Grant, Guess, Henry, Herr, Jolly, Keefe, Knoblauch, Mardesich, Marsh, McDermott, Peterson, Rasmussen, Ridder, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Woody—30.

Excused: Senator Odegaard—1.

Senator Pullen moved adoption of the following amendment:

On page 2, line 7, add a new section 3 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 consecutively.

Debate ensued.

The motion by Senator Pullen failed and the amendment was not adopted.

Senator Lewis (Harry) moved adoption of the following amendment:

On page 1, lines 5 and 6, strike "8, Laws of 1965 and to chapter 43.06" and insert "43.01".

Debate ensued.

The motion by Senator Lewis (Harry) carried and the amendment was adopted.

On motion of Senator Lewis (Harry), the following amendments were considered and adopted simultaneously:

On page 1, line 7, after "governor" strike "is" and insert "and other state officers described in RCW 43.01.010 are".

On page 1, lines 11 and 12, strike "8, Laws of 1965 and to chapter 43.06" and insert "43.01".

On page 1, line 13, after "governor" and before "may" insert "and other state officers described in RCW 43.01.010".

On page 1, line 17, strike "governor's".

On page 1, line 20, strike "governor's".

On page 1, line 26, strike "governor's".

On page 1, line 30, strike "governor's".

On motion of Senator Mardesich, the following amendment by Senator Lewis (Harry) to the title was adopted:

On page 1, beginning on line 1 strike all the material through "people." on line 3 and substitute the following:

"An Act relating to state officers; adding two sections to chapter 43.01 RCW; and providing for a referendum by the people."

On motion of Senator Rasmussen the rules were suspended, Engrossed Senate Bill No. 2044 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 Senate Bill No. 2044, and the bill passed the Senate by the following vote: Yeas, 25; nays, 23; excused, 1.

Voting yea: Senators Bailey, Beck, Bottiger, Buffington, Day, Donohue, Francis,

Guess, Henry, Herr, Jolly, Keefe, Knoblauch, Mardesich, Marsh, Peterson, Pullen, Rasmussen, Ridder, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Woody—25.

Voting nay: Senators Benitz, Bluechel, Clarke, Cunningham, Fleming, Goltz, Gould, Grant, Jones, Lewis (Harry), Lewis (R. H. "Bob"), Matson, McDermott, Morrison, Murray, Newschwander, North, Sandison, Scott, Sellar, Wanamaker, Washington, Wilson—23.

Excused: Senator Odegaard—1.

ENGROSSED SENATE BILL NO. 2044, having received the 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 Lewis (R. H. "Bob"), Senator Lewis (Harry) was excused.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 101, by Senators Mardesich, Clarke, Goltz, Sandison, Jones and Bluechel:

Requesting establishment of the joint committee on Washington/British Columbia Governmental Cooperation.

The resolution was read the second time in full.

On motion of Senator Goltz, the rules were suspended, Senate Concurrent Resolution No. 101 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. 101, and the resolution passed the Senate by the following vote: Yeas, 46; nays, 1; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, North, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—46.

Voting nay: Senator Newschwander—1.

Excused: Senators Lewis (Harry), Odegaard—2.

SENATE CONCURRENT RESOLUTION NO. 101, having received the constitutional majority, was declared passed.

SECOND READING

SENATE BILL NO. 2220, by Senators Sellar, Wilson and Lewis (R. H. "Bob"):

Removing mandatory delay for issuance of certain county warrants.

The bill was read the second time by sections.

On motion of Senator Fleming, the rules were suspended, Senate Bill No. 2220 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. 2220, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry,

Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—47.

Excused: Senators Lewis (Harry), Odegaard—2.

SENATE BILL NO. 2220, having received the 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 announced the presence in the Senate Chamber of the Washington State Dairy Princess and appointed Senators Jolly, Morrison, Bottiger and Sellar to escort Princess Shirley and former Senator Tom Hall to a place on the rostrum.

The President introduced former Senator Hall who presented the Dairy Princess.

With permission of the Senate, business was suspended and the Washington State Dairy Princess, Shirley Larson of Onalaska, Washington addressed the Senate.

The committee of honor escorted the guests from the Senate Chamber and the committee retired.

SECOND READING

SENATE BILL NO. 2080, by Senators Henry, Murray and Beck (by Department of Motor Vehicles request):

Prescribing a penalty for failure to surrender motor vehicle certificates, licenses or permits.

REPORT OF STANDING COMMITTEE

January 28, 1975.

SENATE BILL NO. 2080, prescribing a penalty for failure to surrender motor vehicle certificates, licenses or permits (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 23 after "*notified*" and before "*that*" insert "*by certified mail*".

Following line 24 add a new section to read as follows:

"Sec. 2. 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 line 3 after "penalty" and before the period insert "; and declaring an emergency".

Signed by: Senators Walgren, Chairman; Beck, Bluechel, Bottiger, Guess, Jolly, Lewis (R. H. "Bob"), Sellar, Wanamaker.

The bill was read the second time by sections.

Senator Walgren moved adoption of the committee amendment to line 23.

POINT OF INQUIRY

Senator Woody: "Would Senator Walgren yield? Senator Walgren, in your practice haven't you noticed that whenever you send something by certified mail, especially from a law office or from any place of any dignity, that it is routinely not picked up?"

Senator Walgren: "That does happen, yes."

Senator Woody: "Don't you think that really by requiring it to be certified mail that we are in effect perpetrating this and causing notice not to be received by these people and then they are committing a crime if they do not turn it in within the two days?"

Senator Walgren: "No."

The motion by Senator Walgren carried and the amendment was adopted on a rising vote. The President voted "aye".

Senator Walgren moved adoption of the committee amendment adding a new section 2.

POINT OF INQUIRY

Senator Newschwander: "Will Senator Walgren yield to a question? I heard you say it was appropriate for this bill to have an emergency clause. I would like to ask why the emergency or why is it appropriate? Are we going to put emergency clauses on all bills or our pet bills, or why the emergency?"

Senator Walgren: "Taking your questions in reverse order; no, no, and the reason it is appropriate is because the state happens to be losing a considerable amount of money at the present time for the fact that the bad checks are coming in in connection with this matter and we are just simply losing money."

The motion by Senator Walgren carried and the amendment was adopted.

Senator Henry moved adoption of the following amendment:

On line 10, after "cases" and before the period insert ": *PROVIDED, That any bona fide purchaser for value of a motor vehicle shall not be liable or responsible for any unpaid license fees and that any transfer cannot be denied to any bona fide purchaser for value if a predecessor fails to pay any license fees due the state herein*".

On motion of Senator Mardesich, the following amendment to the amendment by Senator Henry was adopted:

On line 4 of the Henry amendment, after "any" and before "unpaid" insert "*prior*".

The motion by Senator Henry carried and the amendment, as amended, was adopted.

POINT OF INQUIRY

Senator Mardesich: "I wonder if Senator Walgren would yield to a question? Senator Walgren, on line 21 it says that the person shall within two days, within two days, return the document in question. I am wondering why such a short time. It would probably take me two days even to find the registration certificates for my cars and if I were to drop it in the mail, the two days would have passed prior to the time that it was received in the department, and knowing some of those people, they might just decide that if it did not arrive right on the second day, I have had it, and I am wondering if you would object to making that six days or seven days or ten days or something other than two?"

Senator Walgren: "I don't think there is any objection. It is an arbitrary figure."

Senator Mardesich: "I just wonder if two days is simply enough time, with the mail and. . ."

Senator Walgren: "Of course, it has the additional notice requirements as far as sending out, but six days, if that is what you suggest."

Senator Mardesich moved adoption of the following amendment:

On line 21, after "within" strike "*two*" and insert "*ten*".

POINT OF INQUIRY

Senator Henry: "I would like to have Senator Bottiger answer this question as to the amount of notice that they have already received prior to the fact that they get this final notice."

Senator Bottiger: "Mr. President and members of the Senate, so you understand, and I am not going to get into — there is no big thing about two days or ten days or whatever — but what we are talking about is a check being written, usually for the license tabs on your car or it could be for your driver's license or something else. That check is dishonored, it goes back to the county auditor in which it was written, he is required to send you notice that your check bounced. You got one notice from the bank that they were charging you two bucks or three bucks that your check bounced. It then goes to the state. They send you a notice that they have a defaulted check, and ask you to make it payable. Then you get another notice saying 'Surrender your license or we will send a State Patrol officer out to get it.' So I would estimate that probably ninety to one

hundred days have already gone by since you got the note from the bank saying your check bounced. So whether you want to give them eight more days or not is entirely up to the will of the body, but he has received plenty of notice that he wrote a bad check."

POINT OF INQUIRY

Senator Wilson: "Would Senator Walgren yield please? I am addressing this question to you since you handled the certified mail amendment, and my question is, do you feel that section 2 as amended means two days after a certified letter is mailed or two days after it is received at the local post office or two days after the recipient has picked it up?"

Senator Walgren: "As Senator Mardesich has indicated and I think it is clear from the language on line 23 that before there is an actual notification that there has to be a picking up of the certified mail, so I would say after it has been picked up."

Debate ensued.

The motion by Senator Mardesich carried and the amendment was adopted.

On motion of Senator Walgren, the committee amendment to the title was adopted.

On motion of Senator Walgren, Engrossed Senate Bill No. 2080 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

MOTION

On motion of Senator Walgren, Engrossed Senate Bill No. 2080 was ordered held for further consideration following noon recess.

MOTION

On motion of Senator Bailey, Senate Resolution 1975-10 was ordered held on the Secretary's desk for consideration on Wednesday, February 12, 1975.

MOTION

At 12:22 p.m., on motion of Senator Mardesich, the Senate adjourned until 11:00 a.m., Wednesday, February 12, 1975.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

THIRTY-FIRST DAY**MORNING SESSION**

Senate Chamber, Olympia, Wednesday, February 12, 1975.

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 Donohue, Lewis (Harry), Matson and Odegaard. On motion of Senator Knoblauch, Senators Donohue and Odegaard were excused. On motion of Senator Lewis (R. H. "Bob"), Senators Lewis (Harry) and Matson were excused.

The Color Guard, consisting of Pages Lea Ann Gould and James Orlando, presented the Colors. Reverend Glen D. Cole, pastor of Evergreen Christian Center of Olympia, offered the following prayer:

"OUR HEAVENLY FATHER, WE BOW IN JESUS' NAME TO INVOKE YOUR BLESSING UPON THIS BODY OF LEGISLATORS AS THEY FACE THE DUTIES OF THIS DAY. THE PSALMIST REMINDS US IN THIS MOMENT, LORD, THAT 'THIS IS THE DAY WHICH THE LORD HATH MADE; WE WILL REJOICE AND BE GLAD IN IT'. NEW OPPORTUNITIES, NEW CHALLENGES, ALL KINDS OF SITUATIONS TO STRETCH OUR SPIRITUAL MUSCLES. WE THANK YOU THAT YOU HAVE LED US IN THE PAST. OUR NATION HAS BEEN BLESSED BY THE WISDOM AND STRENGTH YOU HAVE IMPARTED, LORD. WE THANK YOU FOR THAT TODAY.

"NOW FILL EVERY HEART WITH YOUR PEACE. EVERY LIFE WITH YOUR DIVINE STRENGTH. THIS COLLECTIVE BODY WITH KNOWLEDGE AND WISDOM FOR THE ENACTMENT OF THEIR DUTIES. BLESS THE PRESIDENT OF THE SENATE IN A SPECIAL WAY AS HE LEADS THE AFFAIRS OF THIS BODY. MAY THERE BE A GREAT SENSE OF TEAMWORK IN THESE HALLS AS THIS SESSION CONTINUES. IN THE NAME OF OUR LORD JESUS CHRIST WE PRAY. AMEN."

MOTION

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

PERSONAL PRIVILEGE

Senator Guess: "Mr. President, I would like to speak on a point of personal privilege with the following words of tribute:

"Mr. President, my fellow Senators: This day is the day set aside to honor the memory of one of America's great Presidents — but I would beg to pay tribute first to three of our own colleagues — great legislators who preceded me, and two of whom occupied this very seat from which I am privileged to address you today.

"My mind's eye turns first to that foreign born one who had the love and affection of every man and woman who were his colleagues — kind, gentle, perceptive, and much more — artist, student, teacher, and father confessor to the uninitiated. Truly it can be said of Ernest Lennart he embodied all of the attributes of a true statesman. Transported to America at an early age, largely self educated, he had a fierce love of America equaled only by his love of Abraham Lincoln — the man we honor today. I remember yet that first Lincoln Day speech that I heard from the back row — the timbre of his voice — the pure beauty of quotations — all from memory. You strained to hear the soft-spoken, eye-misting tribute, followed by heart stirring thundered praise as Ernie delivered his speech.

"Next, I cross that imaginary line said to divide the aisle. My heart takes me back to that silver-tongued, silver-haired orator, John McCutcheon. Truly those of us privileged to serve with Senator John knew what it was to serve with a man of principle. He never had to stop to think what was right or wrong about a bill. He knew — it mattered not of which party his opponent might be. He was as quick to point out the human foibles of those over there as he was of us over here. He was a man of all heart, a keen sense of humor and a sharp parliamentarian. I am proud to have served with a man like John McCutcheon.

"And next, I want to say thanks to a colleague just recently absent from these halls. I can remember in the tribute he was giving to Ernie Lennart and he said he wanted him to smell the roses while he was still alive. A man born of Kentucky stock who inherited his love for Lincoln from his father, and his father's father before him. A man of honor and integrity. The reverence he held for "Ole Abe" was an inspiration to me. Perry Woodall knew what it meant being a Republican — he knew what a price a man paid for holding tight to principle. I am humble as I stand today on the floor where he served his fellow man so well.

"But the one we honor possessed a rare ability to express his ideas and ideals, an ability yearned for by many, yet seldom approached.

"In letters, speeches, memoranda scribbled on the back of envelopes, scraps of paper, legislative acts and state papers, Lincoln left a record of himself more fascinating than any other American ever to live. He is today deeply imbedded as a part of this nation's conscience. His keen insight into government, his perception of a man, and man's inability to govern in crisis, was summed up when he said:

'While the people retain their virtue and their vigilance, no administration, by any extreme or wickedness or folly, can very seriously injure the government'.

"He must have been faced with preparing a budget when he so ably addressed himself to the question of benefits of government. He said:

'I shall go for all sharing the privileges of government, for those who assist in bearing its burdens'.

"The key to Lincoln's power, both as a statesman and as a man of letters, stems from one source. He never stopped growing in mental or moral stature. From early maturity to death he clung to the same principles and much the same ideas — and those principles and ideas continued to grow with the man, changing not in substance but in beauty of form. As a result, Lincoln emerged as a man of fundamental creed that expressed the responsibilities, the risks and rewards of the democratic way of life.

"In whatever he wrote or said he was always unpretentiously himself — always the self-taught lawyer. He examined every proposition thoroughly, and how it related to the patterns of human behavior, and finally as a man of ethics making a choice of right and wrong.

"What are the ideas and ideals that Lincoln bequeathed to us and to humanity as the tenets of a faith in Democracy? They are five:

"First, he believed in people as the greatest resource of a nation.

"Secondly, he believed in the right of the poor man, who through honest toil, had the right to better his lot in life.

"Third, he believed in education — that regardless of color of skin, or present environment, all people possessed the capacity to live fuller, richer lives if their innate abilities were cultivated.

"Fourth, he believed that reverence for laws should become a 'political religion'.

"Finally, he believed in the liberal tradition. He was always a spokesman for freedom of thought, speech, press, assembly and religion. The essence of Lincoln, both as a man of action and a man of letters, is in these five tenets of faith. He risked his political future upon the proposition that 'The people, under providence, will set all right'. I cannot refrain from saying, would that we had such faith.

"Lincoln's strength in statement and action was in his clear moral understanding both of himself and of his age. He never claimed that his ideas were original, nor were they. His genius rested in perceiving that though he lived in a troubled world, his generation had not invented the devil.

"As a man of letters, Lincoln was influenced by his own group of heroes. He was moved by the political philosophy of Thomas Jefferson, who believed that the earth belonged always to the living generation, and who said, 'Nothing is unchangeable but the inherent and inalienable rights of man'. Lincoln was always a staunch political supporter of Henry Clay, whose speeches were read by Simon Bolivar to his armies fighting for freedom in South America.

"In knowing Lincoln as the man behind his words, one comes finally to the Holy Scriptures as the overpowering influence. He was a strangely mystical man, this Lincoln that we honor today. Of the Bible, he said 'All things most desirable for man's welfare, here and hereafter, are to be found portrayed in the Bible'.

"America has known great scholars — Thomas Jefferson, whom I have mentioned — Woodrow Wilson — Lincoln was the master of them all. He felt neither distinguished nor wise. Without pose or pretension, he once informed a biographer, 'It is a great piece of folly to attempt to make anything out of me or my early life. It can all be condensed into a single sentence, and that sentence you will find in Gray's elegy, 'The Short and Simple Annals of the Poor', 'That's my life and that's all you or anyone else can make of it.'

"It has been my honor to pay tribute to Abraham Lincoln and to my fellow Senators who served before me, like Lincoln, left their marks on the pages of time.

"Ladies and gentlemen, I ask that you join me in a moment of silence and introspection. Let each of us pray that we might be strong enough to carry on in the spirit of Lincoln and meet the challenge of our time."

The Senate observed a moment of silence.

PERSONAL PRIVILEGE

Senator Knoblauch: "Had not Senator Guess asked us to stand in silent memory, I was going to applaud his very fine speech. I think it is a wonderful tribute to you, Senator Guess."

PERSONAL PRIVILEGE

Senator Morrison: "Mr. President and ladies and gentlemen of the Senate, I also would like to join in a very brief tribute to Abraham Lincoln on this special day. I think as a President he was most loved because of his very simple and understandable life; the very humble beginnings, the birth in a log cabin, studying by lantern or candlelight. As a businessman, going bankrupt; as a candidate for the legislature, being defeated; the personal tragedies that filled his life make him a very human human being. I think his climb to the presidency is legendary but, most important, as President and Commander in Chief he presided and prayed through those years of the war that divided us as a nation, and then brought us back together again, as perhaps before that time we had never been together.

"I often think of what Abraham Lincoln would do today with some of the problems that we face as a people and here as a legislature. I know that his guiding light was some very deep and basic beliefs that he stayed with, and I think of one particularly in which he said, 'Let us have faith that right makes might, and in that faith let us to the end dare to do our duty as we understand it'.

"I think Abraham Lincoln would be most pleased not with our pauses to remember him on this special day, but by an acceptance and a demonstration of some of the very basic things in which he believed. And I lean back to that quote, 'Let us have faith that right makes might'. Sometimes we get that backward and say that might makes right. Could we then today accept some of these basic beliefs of Abraham Lincoln and apply them, and I am sure we would be pleased both inwardly with ourselves and acceptable to the people we represent. Thank you, Mr. President."

REPORTS OF STANDING COMMITTEES

February 19, 1975.

SENATE BILL NO. 2058, strengthening the Medical Disciplinary Act (reported

by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; von Reichbauer, Vice Chairman; Buffington, Cunningham, Francis, Goltz, Gould, McDermott, North, Ridder, Van Hollebeke.

Passed to Committee on Rules for second reading.

February 12, 1975.

SENATE BILL NO. 2210, authorizing fees for optional noncredit extracurricular events of school districts and providing for their disposition (reported by Committee on Education):

MAJORITY recommendation: Do pass.

Signed by: Senators Stortini, Chairman; Gould, McDermott, Murray, Newschwander, von Reichbauer.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE HOUSE

February 11, 1975.

Mr. President: The House has passed:

SUBSTITUTE HOUSE BILL NO. 73,

ENGROSSED HOUSE BILL NO. 124.

ENGROSSED HOUSE BILL NO. 271, and the same are herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

INTRODUCTION AND FIRST READING

SENATE BILL NO. 2463, by Senators Sandison, Newschwander, Stortini, Odegaard, Guess and Donohue (by Senate Select Committee on Vocational Education request):

An Act relating to vocational education.

Referred to Committee on Higher Education.

There being no objection, the rules were suspended and additional sponsors were permitted on Senate Bill No. 2463.

SENATE BILL NO. 2464, by Senator Bottiger:

An Act relating to business and occupation taxes; adding a new section to chapter 15, Laws of 1961 and to chapter 82.04 RCW; creating a new section; and declaring an emergency.

MOTION

On motion of Senator Walgren, Senate Bill No. 2464 was referred to the Committee on Transportation and Utilities.

SENATE BILL NO. 2465, by Senator Francis:

An Act relating to probation; and adding new sections to chapter 9.95 RCW.

Referred to Judiciary Committee.

SENATE BILL NO. 2466, by Senators Walgren, Clarke and Bottiger:

An Act relating to public works; and amending section 1, chapter 166, Laws of 1921 as last amended by section 1, chapter 38, Laws of 1970 ex. sess. and RCW 60.28.010.

Referred to Committee on Financial Institutions.

SENATE BILL NO. 2467, by Senators Walgren, Clarke and Herr:

An Act relating to savings and loan associations and mutual savings banks; and adding a new chapter to Title 33 RCW.

Referred to Committee on Financial Institutions.

SENATE BILL NO. 2468, by Senators Francis and Pullen:

An Act relating to motor vehicles; amending section 4, chapter 232, Laws of 1967 as last amended by section 1, chapter 150, Laws of 1971 ex. sess. and RCW 46.37.530; and amending section 10, chapter 232, Laws of 1967 and RCW 46.37.535.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 2469, by Senators Francis, Murray and Woody:

An Act relating to mutual savings banks; and amending section 12, chapter 55, Laws of 1969 and RCW 32.08.210.

Referred to Committee on Financial Institutions.

SENATE BILL NO. 2470, by Senators Francis and Day:

An Act relating to impaired persons; amending section 1, chapter 22, Laws of 1973 and RCW 2.42.010; amending section 2, chapter 22, Laws of 1973 and RCW 2.42.020; amending section 3, chapter 22, Laws of 1973 and RCW 2.42.030; amending section 4, chapter 22, Laws of 1973 and RCW 2.42.040; amending section 5, chapter 22, Laws of 1973 and RCW 2.42.050; and adding a new section to chapter 22, Laws of 1973 and to chapter 2.42 RCW.

Referred to Judiciary Committee.

SENATE BILL NO. 2471, by Senators Donohue and Odegaard:

An Act relating to the budget document; and adding a new section to chapter 43.88 RCW.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2472, by Senator Francis:

An Act relating to police benefits and pensions; and amending section 1, chapter 6, Laws of 1959 as last amended by section 3, chapter 181, Laws of 1973 1st ex. sess. and RCW 41.20.050.

Referred to Committee on Local Government.

SENATE BILL NO. 2473, by Senators Benitz, Keefe, North and Morrison:

An Act relating to revenue and taxation; amending section 6, chapter 40, Laws of 1973 2nd ex. sess. and RCW 84.36.800; amending section 9, chapter 40, Laws of 1973 2nd ex. sess. and RCW 84.36.815; amending section 11, chapter 40, Laws of 1973 2nd ex. sess. and RCW 84.36.825; amending section 13, chapter 40, Laws of 1973 2nd ex. sess. and RCW 84.36.835; amending section 14, chapter 40, Laws of 1973 2nd ex. sess. and RCW 84.36.840; amending section 18, chapter 40, Laws of 1973 2nd ex. sess. and RCW 84.36.860; amending section 19, chapter 40, Laws of 1973 2nd ex. sess. and RCW 84.36.865; and amending section 22, chapter 40, Laws of 1973 2nd ex. sess. and RCW 84.36.900.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2474, by Senators Bluechel, Murray, North and Buffington (by Executive request):

An Act relating to state government; creating a department of transportation; amending section 1, chapter 11, Laws of 1971 and RCW 43.17.010; amending section 2, chapter 11, Laws of 1971 and RCW 43.17.020; adding a new section to chapter 1.08 RCW; adding a new section to chapter 14.04 RCW; adding a new section to chapter 1, Laws of 1961 and to chapter 41.06 RCW; adding a new section to Title 46 RCW; adding new sections to Title 47 RCW; creating new sections; renaming Title 47 RCW and adding certain previously codified chapters thereto; repealing section 3, chapter 165, Laws of 1947, section 1, chapter 68, Laws of 1967 and RCW 14.04.030; repealing section 4, chapter 147, Laws of 1967 ex. sess. and RCW 43.59.040; repealing section 7, chapter 147, Laws of 1967 ex. sess. and RCW 43.59.060; repealing section 9, chapter 147, Laws of 1967 ex. sess. and RCW 43.59.080; repealing section 1, chapter 156, Laws of 1965 and RCW 46.01.010; repealing section 2, chapter 156, Laws of 1965 and RCW

46.01.020; repealing section 9, chapter 156, Laws of 1965 and RCW 46.01.090; repealing section 47.01.010, chapter 13, Laws of 1961 and RCW 47.01.010; repealing section 47.01.020, chapter 13, Laws of 1961 and RCW 47.01.020; repealing section 47.01.030, chapter 13, Laws of 1961, section 1, chapter 1, Laws of 1965 ex. sess. and RCW 47.01.030; repealing section 47.01.040, chapter 13, Laws of 1961, section 31, chapter 170, Laws of 1965 ex. sess. and RCW 47.01.040; repealing section 47.01.050, chapter 13, Laws of 1961 and RCW 47.01.050; repealing section 47.01.080, chapter 13, Laws of 1961 and RCW 47.01.080; repealing section 47.01.090, chapter 13, Laws of 1961 and RCW 47.01.090; repealing section 47.01.100, chapter 13, Laws of 1961 and RCW 47.01.100; repealing section 47.01.110, chapter 13, Laws of 1961 and RCW 47.01.110; repealing section 47.01.120, chapter 13, Laws of 1961 and RCW 47.01.120; repealing section 47.01.130, chapter 13, Laws of 1961, section 10, chapter 307, Laws of 1961 and RCW 47.01.130; repealing section 1, chapter 29, Laws of 1974 ex. sess. and RCW 47.01.160; repealing section 10, chapter 278, Laws of 1961, section 30, chapter 170, Laws of 1965 ex. sess. and RCW 47.56.034; repealing section 2, chapter 123, Laws of 1965 ex. sess. and RCW 91.12.020; repealing section 3, chapter 123, Laws of 1965 ex. sess., section 1, chapter 36, Laws of 1967 and RCW 91.12.030; repealing section 4, chapter 123, Laws of 1965 ex. sess. and RCW 91.12.040; declaring an emergency; and providing effective dates.

MOTION

On motion of Senator Walgren, Senate Bill No. 2474 was referred to the Committee on Transportation and Utilities.

There being no objection, the rules were suspended and additional sponsors were permitted on Senate Bill No. 2474.

SENATE BILL NO. 2475, by Senator Lewis (Harry):

An Act relating to highways; making an appropriation; and declaring an emergency.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 2476, by Senators Walgren, Buffington and Rasmussen:

An Act relating to the state patrol; amending section 43.43.330, chapter 8, Laws of 1965 as amended by section 1, chapter 20, Laws of 1969 ex. sess. and RCW 43.43.330; and amending section 43.43.350, chapter 8, Laws of 1965 as amended by section 2, chapter 20, Laws of 1969 ex. sess. and RCW 43.43.350.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 2477, by Senator Rasmussen:

An Act relating to the public employees' retirement system; amending section 10, chapter 151, Laws of 1972 ex. sess. and RCW 41.40.235; adding a new section to chapter 41.40 RCW; and declaring an emergency.

Referred to Committee on State Government.

SENATE BILL NO. 2478, by Senator Rasmussen:

An Act relating to the public employees' retirement system; adding a new section to chapter 41.40 RCW; and declaring an emergency.

Referred to Committee on State Government.

SENATE BILL NO. 2479, by Senator Day:

An Act relating to medical injury compensation.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2480, by Senators Woody and Walgren:

An Act relating to securities regulation; amending section 60, chapter 282, Laws of 1959 as last amended by section 1, chapter 199, Laws of 1967 and RCW 21.20.005;

amending section 4, chapter 282, Laws of 1959 as amended by section 1, chapter 77, Laws of 1974 ex. sess. and RCW 21.20.040; amending section 5, chapter 282, Laws of 1959 as amended by section 2, chapter 37, Laws of 1961 and RCW 21.20.050; amending section 7, chapter 282, Laws of 1959 as amended by section 2, chapter 77, Laws of 1974 ex. sess. and RCW 21.20.070; amending section 8, chapter 282, Laws of 1959 and RCW 21.20.080; amending section 9, chapter 282, Laws of 1959 as amended by section 3, chapter 37, Laws of 1961 and RCW 21.20.090; amending section 11, chapter 282, Laws of 1959 as amended by section 2, chapter 17, Laws of 1965 and RCW 21.20.110; amending section 12, chapter 282, Laws of 1959 and RCW 21.20.120; amending section 13, chapter 282, Laws of 1959 and RCW 21.20.130; amending section 14, chapter 282, Laws of 1959 and RCW 21.20.140; amending section 24, chapter 282, Laws of 1959 and RCW 21.20.240; amending section 26, chapter 282, Laws of 1959 as amended by section 5, chapter 77, Laws of 1974 ex. sess. and RCW 21.20.260; amending section 27, chapter 282, Laws of 1959 as last amended by section 3, chapter 17, Laws of 1965 and RCW 21.20.270; amending section 28, chapter 282, Laws of 1959 and RCW 21.20.280; amending section 31, chapter 282, Laws of 1959 and RCW 21.20.310; amending section 32, chapter 282, Laws of 1959 as last amended by section 6, chapter 77, Laws of 1974 ex. sess. and RCW 21.20.320; amending section 3, chapter 199, Laws of 1967 as amended by section 7, chapter 77, Laws of 1974 ex. sess. and RCW 21.20.325; amending section 33, chapter 282, Laws of 1959 and RCW 21.20.330; amending section 34, chapter 282, Laws of 1959 as last amended by section 8, chapter 77, Laws of 1974 ex. sess. and RCW 21.20.340; amending section 36, chapter 282, Laws of 1959 and RCW 21.20.360; amending section 38, chapter 282, Laws of 1959 as amended by section 9, chapter 77, Laws of 1974 ex. sess. and RCW 21.20.380; amending section 39, chapter 282, Laws of 1959 as amended by section 10, chapter 77, Laws of 1974 ex. sess. and RCW 21.20.390; amending section 43, chapter 282, Laws of 1959 as last amended by section 11, chapter 77, Laws of 1974 ex. sess. and RCW 21.20.430; adding a new section to chapter 21.20 RCW; repealing section 15, chapter 282, Laws of 1959 and RCW 21.20.150; repealing section 16, chapter 282, Laws of 1959 and RCW 21.20.160; and repealing section 17, chapter 282, Laws of 1959 and RCW 21.20.170.

Referred to Committee on Financial Institutions.

SENATE BILL NO. 2481, by Senator Walgren:

An Act relating to eminent domain; and amending section 18, chapter 240, Laws of 1971 ex. sess. and RCW 8.26.180.

Referred to Committee on State Government.

SENATE BILL NO. 2482, by Senators Washington, Bailey and Stortini:

An Act relating to the school buildings system project by providing for more uniformity in school construction; and amending section 2, chapter 238, Laws of 1971 ex. sess. and RCW 28A.04.310.

Referred to Committee on Education.

SENATE BILL NO. 2483, by Senator Walgren:

An Act relating to counties; adding a new chapter to Title 36 RCW; repealing section 17, chapter 144, Laws of 1967 ex. sess. and RCW 36.32.272; repealing section 18, chapter 144, Laws of 1967 ex. sess. and RCW 36.32.274; repealing section 19, chapter 144, Laws of 1967 ex. sess. and RCW 36.32.276; repealing section 20, chapter 144, Laws of 1967 ex. sess. and RCW 36.32.278; and repealing section 36.82.220, chapter 4, Laws of 1963 and RCW 36.82.220.

Referred to Committee on Local Government.

SENATE BILL NO. 2484, by Senators Sandison and Newschwander:

An Act relating to state government; and amending section 43.01.041, chapter 8, Laws of 1965 and RCW 43.01.041.

Referred to Committee on State Government.

SENATE BILL NO. 2485, by Senators Walgren and Lewis (Harry):

An Act relating to transportation; authorizing a pilot project on bicycle registration; creating new sections; making an appropriation; prescribing an effective date; and declaring an emergency.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 2486, by Senators Goltz, Cunningham and Day:

An Act relating to on-site sewage systems; and adding new sections to chapter 70.54 RCW.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2487, by Senators Bluechel, Murray, North and Buffington (by Executive request):

An Act relating to the state department of transportation; amending section 1, chapter 147, Laws of 1967 ex. sess. and RCW 43.59.010; amending section 3, chapter 147, Laws of 1967 ex. sess. as last amended by section 7, chapter 85, Laws of 1971 ex. sess. and RCW 43.59.030; amending section 8, chapter 147, Laws of 1967 ex. sess. and RCW 43.59.070; amending section 14, chapter 147, Laws of 1967 ex. sess. as amended by section 5, chapter 195, Laws of 1971 ex. sess. and RCW 43.59.130; amending section 46.68.120, chapter 12, Laws of 1961 as last amended by section 47, chapter 195, Laws of 1973 1st ex. sess. and RCW 46.68.120; amending section 46.44.080, chapter 12, Laws of 1961 as amended by section 1, chapter 15, Laws of 1973 2nd ex. sess. and RCW 46.44.080; amending section 46.44.090, chapter 12, Laws of 1961 and RCW 46.44.090; amending section 46.44.091, chapter 12, Laws of 1961 as amended by section 30, chapter 281, Laws of 1969 ex. sess. and RCW 46.44.091; amending section 46.44.092, chapter 12, Laws of 1961 as last amended by section 1, chapter 76, Laws of 1974 ex. sess. and RCW 46.44.092; amending section 46.44.095, chapter 12, Laws of 1961 as last amended by section 1, chapter 76, Laws of 1974 ex. sess. and RCW 46.44.095; amending section 2, chapter 16, Laws of 1963 as last amended by section 1, chapter 103, Laws of 1974 ex. sess. and RCW 46.61.405; amending section 3, chapter 16, Laws of 1963 as last amended by section 2, chapter 103, Laws of 1974 ex. sess. and RCW 46.61.410; amending section 4, chapter 16, Laws of 1963 as amended by section 3, chapter 103, Laws of 1974 ex. sess. and RCW 46.61.415; amending section 56, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.420; amending section 6, chapter 16, Laws of 1963 as last amended by section 1, chapter 135, Laws of 1969 and RCW 46.61.425; amending section 46.48.041, chapter 12, Laws of 1961 as amended by section 4, chapter 103, Laws of 1974 ex. sess. and RCW 46.61.430; amending section 46.48.080, chapter 12, Laws of 1961 and RCW 46.61.450; amending section 66, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.570; amending section 67, chapter 155, Laws of 1965 ex. sess. and RCW 46.61.575; amending section 47.01.070, chapter 13, Laws of 1961 and RCW 47.01.070; amending section 2, chapter 173, Laws of 1963 as amended by section 2, chapter 39, Laws of 1969 ex. sess. and RCW 47.05.020; amending section 3, chapter 173, Laws of 1963 as last amended by section 4, chapter 12, Laws of 1973 2nd ex. sess. and RCW 47.05.030; amending section 7, chapter 173, Laws of 1963 as amended by section 7, chapter 12, Laws of 1973 2nd ex. sess. and RCW 47.05.070; amending section 47.12.010, chapter 13, Laws of 1961 as amended by section 4, chapter 108, Laws of 1967 and RCW 47.12.010; amending section 47.12.060, chapter 13, Laws of 1961 and RCW 47.12.060; amending section 47.12.070, chapter 13, Laws of 1961 as amended by section 2, chapter 91, Laws of 1969 and RCW 47.12.070; amending section 47.12.080, chapter 13, Laws of 1961 and RCW 47.12.080; amending section 47.12.120, chapter 13, Laws of 1961 as amended by section 1, chapter 91, Laws of 1969 and RCW 47.12.120; amending section 47.12.130, chapter 13, Laws of 1961 and RCW 47.12.130; amending section 47.12.140, chapter 13, Laws of 1961 and RCW 47.12.140; amending section 47.12.150, chapter 13, Laws of 1961 and RCW 47.12.150; amending section 2, chapter 281, Laws of 1961 and RCW 47.12.190; amending section 3, chapter 281, Laws of 1961 as amended by section 2, chapter 197, Laws of 1969 ex. sess. and RCW 47.12.200; amending section 5, chapter 281, Laws of 1961 as amended by section 4, chapter 197,

Laws of 1969 ex. sess. and RCW 47.12.220; amending section 47.24.010, chapter 13, Laws of 1961 as amended by section 3, chapter 95, Laws of 1973 and RCW 47.24.010; amending section 20, chapter 83, Laws of 1967 ex. sess. as amended by section 3, chapter 171, Laws of 1969 ex. sess. and RCW 47.26.140; amending section 47.28.010, chapter 13, Laws of 1961 and RCW 47.28.010; amending section 47.36.020, chapter 13, Laws of 1961 and RCW 47.36.020; amending section 47.36.030, chapter 13, Laws of 1961 and RCW 47.36.030; amending section 47.52.027, chapter 13, Laws of 1961 and RCW 47.52.027; amending section 5, chapter 75, Laws of 1965 ex. sess. and RCW 47.52.139; amending section 47.52.150, chapter 13, Laws of 1961 as amended by section 3, chapter 103, Laws of 1963 and RCW 47.52.150; amending section 47.52.180, chapter 13, Laws of 1961 and RCW 47.52.180; amending section 47.56.030, chapter 13, Laws of 1961 as last amended by section 3, chapter 180, Laws of 1969 ex. sess. and RCW 47.56.030; amending section 47.56.080, chapter 13, Laws of 1961 and RCW 47.56.080; amending section 47.56.090, chapter 13, Laws of 1961 and RCW 47.56.090; amending section 47.56.120, chapter 13, Laws of 1961 and RCW 47.56.120; amending section 5, chapter 123, Laws of 1965 ex. sess. and RCW 91.12.050; adding new sections to chapter 43.59 RCW; repealing section 4, chapter 165, Laws of 1947, section 1, chapter 289, Laws of 1961, section 2, chapter 68, Laws of 1967 and RCW 14.04.040; repealing section 5, chapter 165, Laws of 1947 and RCW 14.04.050; repealing section 47.01.060, chapter 13, Laws of 1961 and RCW 47.01.060; declaring an emergency; and providing effective dates.

MOTION

On motion of Senator Walgren, Senate Bill No. 2487 was referred to the Committee on Transportation and Utilities.

SUBSTITUTE HOUSE BILL NO. 73, by Committee on Agriculture (originally sponsored by Representatives Sherman and Cochrane):

Requiring poultry, turkey, food fish, shellfish, meat and meat food products to be labeled if they have been frozen.

Referred to Committee on Agriculture.

ENGROSSED HOUSE BILL NO. 124, by Representatives Hansey, Martinis and Schumaker:

Authorizing the department of natural resources to grant cutting permits for firewood for timber on state lands.

Referred to Committee on Natural Resources.

ENGROSSED HOUSE BILL NO. 271, by Representatives Sommers and Erickson (by Department of Revenue request):

Altering the assessment procedures for telegraph company property and authorizing the board of tax appeals to value property that is denied exemption.

Referred to Committee on Ways and Means.

THIRD READING

ENGROSSED SENATE BILL NO. 2080, by Senators Henry, Murray and Beck (by Department of Motor Vehicles request):

Prescribing a penalty for failure to surrender motor vehicle certificates, licenses or permits.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 2080.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2080, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Morrison, Murray, Newschwander, North, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—45.

Excused: Senators Donohue, Lewis (Harry), Matson, Odegaard—4.

ENGROSSED SENATE BILL NO. 2080, having received the 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 Mardesich, the Senate returned to the sixth order of business.

SECOND READING

SENATE BILL NO. 2082, by Senators Walgren, Sellar, Talley and Wilson:

Permitting fire districts to charge fees to reimburse themselves for funds expended on first aid vehicles and ambulances.

The bill was read the second time by sections.

Senator Walgren moved adoption of the following amendment:

On page 1, line 15 after "service" and before the period insert the following: "PROVIDED, That any fire protection district which provides ambulance service supported by an excess levy may waive such charges for service".

Senator Rasmussen moved adoption of the following amendment to the amendment by Senator Walgren:

On the last line of the amendment after "levy" and before "waive" strike "may" and insert "shall".

Debate ensued.

There being no objection, the amendment by Senator Rasmussen to the amendment by Senator Walgren was withdrawn.

The motion by Senator Walgren carried and the amendment was adopted.

On motion of Senator Fleming, the rules were suspended, Engrossed Senate Bill No. 2082 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. 2082, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Morrison, Murray, Newschwander, North, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—45.

Excused: Senators Donohue, Lewis (Harry), Matson, Odegaard—4.

ENGROSSED SENATE BILL NO. 2082, having received the 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. 2147, by Senators Jolly, Day, Sellar, Wilson, Benitz and Morrison:

Controlling the use of pesticides.

REPORT OF STANDING COMMITTEE

January 22, 1975.

SENATE BILL NO. 2147, controlling the use of pesticides (reported by Committee on Agriculture):

Recommendation: Do pass with the following amendments:

On line 8, after "of" and before "herbicides" insert "phenoxy".

On line 22, after "of" and before "in" strike "the product" and insert "said phenoxy herbicides".

On line 24, after "of" and before "shall" on line 25, strike "any such restricted use herbicide" and insert "said phenoxy herbicides".

Signed by: Senators Jolly, Chairman; Benitz, Day, Sellar, Wilson.

The bill was read the second time by sections.

On motion of Senator Jolly, the committee amendments were considered and adopted simultaneously.

On motion of Senator Morrison, the following amendments by Senators Matson and Morrison were considered and adopted simultaneously:

On line 6, after "special" insert "research".

On line 7, before "problem" strike "eliminate" and insert "define".

On motion of Senator Bottiger, the following amendment to the title was adopted:

On line 1 of the title strike "pesticides" and insert "herbicides".

On motion of Senator Jolly the rules were suspended, Engrossed Senate Bill No. 2147 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. 2147 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Morrison, Murray, Newschwander, North, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—45.

Excused: Senators Donohue, Lewis (Harry), Matson, Odegaard—4.

ENGROSSED SENATE BILL NO. 2147, having received the 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. 2074, by Senators Talley, Van Hollebeke and Sellar:

Authorizing sewer districts to issue revenue warrants and revenue bond anticipation warrants and expanding authority in regard to revenue bonds.

The bill was read the second time by sections.

On motion of Senator Fleming, the rules were suspended, Senate Bill No. 2074 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Woody: "Would Senator Fleming yield? I would like you to explain this a bit more to us — why revenue warrants and revenue bond anticipation warrants are really needed by sewer districts. What has been the problem in the past and why do we need it? It may very well be a very good program but I do not understand why they have been able to go along this long without this authority and now they need it."

Senator Fleming: "Senator Woody, I will let one of the experts on sewer districts answer that question but I will take a crack at it. One of the problems is that they found

themselves sometime when they initially start to have a bond issue, to get the start-up costs, the planning and all these other kinds of things, that their construction fund is zilch, and so they have not been able to do this, but from my understanding of the testimony, some of these sewer districts were doing it and did not have the authority to do it. And so the Attorney General indicated that they had better come and get the authority because they were doing things that they did not have the authority to. I think that is the case, but I think Senator Talley can address himself to that better."

Senator Talley: "Senator Woody, I think our chairman has very well covered it. When you start a project after it has been authorized, you have some legal fees to pay, surveys and things like that, and this allows them to do it in a legal manner. All other public service commissions do have this power now. It has been an oversight, I think, by the State Auditor's Department."

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2074, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Morrison, Murray, Newschwander, North, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—45.

Excused: Senators Donohue, Lewis (Harry), Matson, Odegaard—4.

SENATE BILL NO. 2074, having received the 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. 104, by Senator Rasmussen:

Petitioning Congress to control entry of illegal aliens.

The memorial was read the second time in full.

On motion of Senator Mardesich, the following amendment was adopted:

On page 1, line 10, after "problems" strike "that" and insert "which".

On motion of Senator Rasmussen, the rules were suspended, Engrossed Senate Joint Memorial No. 104 was advanced to third reading, the second reading considered the third, and the memorial was placed on final passage.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Joint Memorial No. 104, and the memorial passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Morrison, Murray, Newschwander, North, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—45.

Excused: Senators Donohue, Lewis (Harry), Matson, Odegaard—4.

ENGROSSED SENATE JOINT MEMORIAL NO. 104, having received the constitutional majority, was declared passed.

SECOND READING

SENATE BILL NO. 2063, by Senators Donohue, Odegaard and Newschwander (by Legislative Budget Committee request):

Abolishing the state administrative board.

MOTION

On motion of Senator Rasmussen, Senate Bill No. 2063 was referred to the Committee on State Government.

CONFIRMATIONS OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Francis, the appointment of J. FRANKLYN JOHNSON as a member of the Board of Prison Terms and Paroles was confirmed.

APPOINTMENT OF J. FRANKLYN JOHNSON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Morrison, Murray, Newschwander, North, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—45.

Excused: Senators Donohue, Lewis (Harry), Matson, Odegaard—4.

MOTION

On motion of Senator Francis, the appointment of EUGENE M. CORR as a member of the Board of Prison Terms and Paroles was confirmed.

APPOINTMENT OF EUGENE M. CORR

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Morrison, Murray, Newschwander, North, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—45.

Excused: Senators Donohue, Lewis (Harry), Matson, Odegaard—4.

MOTION

On motion of Senator Lewis (R. H. "Bob"), Senator Gould was excused.

MOTION

On motion of Senator Francis, the appointment of JACK BERRY as a member of the Board of Prison Terms and Paroles was confirmed.

APPOINTMENT OF JACK BERRY

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Fleming, Francis, Goltz, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Morrison, Murray, Newschwander, North, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—44.

Excused: Senators Donohue, Gould, Lewis (Harry), Matson, Odegaard—5.

MOTION

On motion of Senator Francis, the appointment of HELEN RATCLIFF as a member of the Board of Prison Terms and Paroles was confirmed.

APPOINTMENT OF HELEN RATCLIFF

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Fleming, Francis, Goltz, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Morrison, Murray, Newschwander, North, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—44.

Excused: Senators Donohue, Gould, Lewis (Harry), Matson, Odegaard—5.

PERSONAL PRIVILEGE

Senator Rasmussen: "Mr. President, I have a matter to refer to the chairman of Higher Education. I received this in the mail yesterday and it says, 'University of Washington's waste paper salvage and recycling activity is expected to increase from the present twelve and one-half tons equaling two hundred and ten trees per month to two hundred and seventy tons to four thousand five hundred and ninety trees per month.' That is going up from twelve and one-half tons to two hundred and seventy tons. Maybe the chairman of the Higher Education Committee would take this report and take the appropriate steps to investigate the matter. We must save those trees but it is much better to save them before they get turned into paper."

MOTION

On motion of Senator Mardesich, Senate Resolution 1975-10 commending Judge Elizabeth Shackelford, was referred to the Committee on Rules.

MOTION

At 12:30 p.m., on motion of Senator Mardesich, the Senate adjourned until 11:00 am., Thursday, February 13, 1975.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

THIRTY-SECOND DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, February 13, 1975.

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 Guess and Lewis (R. H. "Bob"). On motion of Senator Scott, Senators Guess and Lewis (R. H. "Bob") were excused.

The Color Guard, consisting of Pages Karen Pearce and Jon Brossel, presented the Colors. Reverend Glen D. Cole, pastor of Evergreen Christian Center of Olympia, offered the following prayer:

"OUR HEAVENLY FATHER, WE RECOGNIZE AS WE STAND IN THIS PLACE TODAY, THAT YOU HAVE PUT POWERFUL FORCES IN THIS UNIVERSE THAT WILL WORK IN OUR LIVES IF WE WORK THEM. WE THINK OF THE WORDS OF JESUS IN THIS MOMENT, 'THE THINGS WHICH ARE IMPOSSIBLE WITH MEN ARE POSSIBLE WITH GOD'. YOU HAVE FURTHER TOLD US, LORD, THAT 'IF THOU CANST BELIEVE, ALL THINGS ARE POSSIBLE TO HIM THAT BELIEVETH'. AND THEN AGAIN: 'IF YE HAVE FAITH AS A GRAIN OF MUSTARD SEED, YE SHALL SAY UNTO THIS MOUNTAIN, REMOVE HENCE TO YONDER PLACE, AND IT SHALL REMOVE, AND NOTHING SHALL BE IMPOSSIBLE UNTO YOU'. HELP US NOW, DEAR LORD, TO PRACTICE THE ASTONISHING POWER OF FAITH AND PRAYER SO THAT YOUR MIRACLES CAN HAPPEN IN AND THROUGH US. THIS LEGISLATURE FACES WEIGHTY DECISIONS DURING THIS SESSION. MAY EVERY ONE HERE OPEN THEMSELVES TO YOUR POWER AND STRENGTH SO THAT THE ALMOST UNBELIEVABLE RESULTS THAT JESUS PROMISED MIGHT BE A PART OF THEIR LIVES AND WORK. WE THANK YOU FOR YOUR LOVING INTEREST. CAST OUT OUR FEARS AND OUR DOUBTS AS WE EMBRACE THE ASTONISHING POWER OF FAITH AND PRAYER. THROUGH JESUS CHRIST OUR LORD. AMEN."

MOTION

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

REPORTS OF STANDING COMMITTEES

February 12, 1975.

SENATE BILL NO. 2002, enacting the Fair Campaign Practices Act of 1975 (reported by Committee on Rules):

MAJORITY recommendation: That Senate Bill No. 2002 be referred to the Committee on Constitution and Elections.

Signed by: Lieutenant Governor Cherberg, Chairman; Senators Bailey, Bottiger, Clarke, Guess, Henry, Herr, Keefe, Mardesich, Marsh, Newschwander, Talley.

Referred to Committee on Constitution and Elections.

February 12, 1975.

SENATE BILL NO. 2048, revising laws on boating (reported by Committee on Rules):

MAJORITY recommendation: That Senate Bill No. 2048 be referred to the Committee on Parks and Recreation.

Signed by: Lieutenant Governor Cherberg, Chairman; Senators Bailey, Clarke, Guess, Henry, Herr, Keefe, Mardesich, Marsh, Newschwander, Talley.

Referred to Committee on Parks and Recreation.

February 12, 1975.

SENATE BILL NO. 2070, revising regulations and payments to victims of crimes (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Francis, Chairman; Bottiger, Clarke, Jones, Van Hollebeke, Woody.

Passed to Committee on Rules for second reading.

February 11, 1975.

SENATE BILL NO. 2110, enacting the model traffic ordinance (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: That Substitute Senate Bill No. 2110 be substituted therefor and the substitute bill do pass.

Signed by: Senators Walgren, Chairman; Beck, Benitz, Bluechel, Guess, Jolly, Knoblauch, Lewis (R. H. "Bob"), Morrison, Peterson, Sellar, Stortini, Wanamaker.

Passed to Committee on Rules for second reading.

February 12, 1975.

SENATE BILL NO. 2111, creating position of warrant server and defining authority thereof in municipal courts of cities of more than five hundred thousand inhabitants (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Bottiger, Buffington, Clarke, Jones, Marsh, Scott, Van Hollebeke, Woody.

Passed to Committee on Rules for second reading.

February 12, 1975.

SENATE BILL NO. 2114, authorizing the office of judicial officer in municipal courts of cities of more than four hundred thousand inhabitants (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Bottiger, Buffington, Clarke, Jones, Marsh, Scott, Van Hollebeke, Woody.

Passed to Committee on Rules for second reading.

February 12, 1975.

SENATE BILL NO. 2115, allowing any city of more than 400,000 to set such salary for municipal court judge as it deems advisable (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Francis, Chairman; Buffington, Clarke, Jones, Scott, Van Hollebeke, Woody.

Passed to Committee on Rules for second reading.

February 12, 1975.

SENATE BILL NO. 2128, requiring telephone companies to provide means for making free emergency calls from coin operated telephones (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Walgren, Chairman; Beck, Benitz, Bluechel, Bottiger, Guess, Jolly, Knoblauch, Lewis (R. H. "Bob"), Morrison, Wanamaker.

Passed to Committee on Rules for second reading.

February 12, 1975.

SENATE BILL NO. 2259, providing for liens to enforce payment of employers

contributions to employees benefit plans (reported by Committee on Labor):

MAJORITY recommendation: That Substitute Senate Bill No. 2259 be substituted therefor and the substitute bill do pass.

Signed by: Senators Ridder, Chairman; Bailey, Grant, Morrison.

Passed to Committee on Rules for second reading.

February 12, 1975.

SENATE BILL NO. 2336, making changes in the laws relating to public service companies (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass.

Signed by: Senators Walgren, Chairman; Beck, Benitz, Bluechel, Bottiger, Guess, Jolly, Knoblauch, Lewis (R. H. "Bob"), Morrison, Sellar, Wanamaker.

Passed to Committee on Rules for second reading.

February 12, 1975.

SENATE BILL NO. 2384, permitting investment of excess city funds in LID interim financing warrants (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Fleming, Chairman; Jolly, Lewis (R. H. "Bob"), North, Sellar, Walgren, Wilson.

Passed to Committee on Rules for second reading.

February 6, 1975.

HOUSE BILL NO. 123, imposing a penalty assessment on game violations (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Peterson, Chairman; Beck, Bluechel, Grant, Pullen, Rasmusen, Talley.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENTS

February 13, 1975.

DAVID STRONG, to the position of member of the Board of Trustees of Community College District Number Four, Skagit Valley Community College, appointed by the Governor on May 14, 1974 for the term ending April 3, 1979, succeeding H. P. Creel (reported by the Committee on Higher Education):

Recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Guess, Odegaard, Scott.

Passed to Committee on Rules.

February 12, 1975.

ALICE BROOKS, to the position of member of the Board of Trustees of Community College District Number Four, Skagit Valley Community College, appointed by the Governor on April 22, 1974 for the term ending April 3, 1977, succeeding Barney Beeksmas (reported by the Committee on Higher Education):

Recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Guess, Odegaard, Scott.

Passed to Committee on Rules.

February 13, 1975.

ROBERT G. LEONARD, to the position of member of the Board of Trustees of Community College District Number Seven, Shoreline Community College, appointed

by the Governor on April 4, 1974 for the term ending April 3, 1979, succeeding himself (reported by the Committee on Higher Education):

Recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Guess, Odegaard, Scott.

Passed to Committee on Rules.

February 13, 1975.

DOLORES TEUTSCH, to the position of member of the Board of Trustees of Community College District Number Eight, Bellevue Community College, appointed by the Governor on April 8, 1974 for the term ending April 3, 1979, succeeding B. T. Gardner (reported by the Committee on Higher Education):

Recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Guess, Odegaard, Scott.

Passed to Committee on Rules.

February 13, 1975.

WILLIAM F. KENNELLY, to the position of member of the Board of Trustees of Community College District Number Ten, Green River Community College, appointed by the Governor on April 22, 1974 for the term ending April 3, 1979, succeeding himself (reported by the Committee on Higher Education):

Recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Guess, Odegaard, Scott.

Passed to Committee on Rules.

February 13, 1975.

RONALD KEIL, to the position of member of the Board of Trustees of Community College District Number 14, Clark Community College, appointed by the Governor on April 22, 1974 for the term ending April 3, 1979, succeeding himself (reported by the Committee on Higher Education):

Recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Guess, Odegaard, Scott.

Passed to Committee on Rules.

February 13, 1975.

DIANNE E. FRICHTL, to the position of member of the Board of Trustees of Community College District Number Fourteen, Clark Community College, appointed by the Governor on February 5, 1974 for the term ending April 3, 1977, succeeding Loyd Hinds (reported by the Committee on Higher Education):

Recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Guess, Odegaard, Scott.

Passed to Committee on Rules.

February 13, 1975.

MELVIN G. HAMMER, to the position of member of the Board of Trustees of Community College District Number Fifteen, Wenatchee Valley Community College, appointed by the Governor on April 9, 1974 for the term ending April 3, 1979, succeeding himself (reported by the Committee on Higher Education):

Recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Guess, Odegaard, Scott.

Passed to Committee on Rules.

February 13, 1975.

ELLEN SAX, to the position of member of the Board of Trustees of Community College District Number Seventeen, Spokane Community College, appointed by the Governor on April 23, 1974 for the term ending April 3, 1979, succeeding herself (reported by the Committee on Higher Education):

Recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Guess, Odegaard, Scott.

Passed to Committee on Rules.

February 13, 1975.

DEAN JUDD, to the position of member of the Board of Trustees of Community College District Number Eighteen, Big Bend Community College, appointed by the Governor on April 30, 1974 for the term ending April 3, 1979, succeeding himself (reported by the Committee on Higher Education):

Recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Guess, Odegaard, Scott.

Passed to Committee on Rules.

February 13, 1975.

GARY BERGEVIN, to the position of member of the Board of Trustees of Community College District Number Twenty, Walla Walla Community College, appointed by the Governor on April 22, 1974 for the term ending April 3, 1979, succeeding Stephen Huntington (reported by the Committee on Higher Education):

Recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Guess, Odegaard, Scott.

Passed to Committee on Rules.

February 13, 1975.

ELLEN PINTO, to the position of member of the Board of Trustees of Community College District Number Twenty-two, Tacoma Community College, appointed by the Governor on May 14, 1974 for the term ending April 3, 1979, succeeding Dewey Tuggle (reported by the Committee on Higher Education):

Recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Guess, Odegaard, Scott.

Passed to Committee on Rules.

MESSAGE FROM THE HOUSE

February 12, 1975.

Mr. President: The House has passed:

ENGROSSED HOUSE BILL NO. 1,

ENGROSSED HOUSE BILL NO. 13,

ENGROSSED HOUSE BILL NO. 23, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

INTRODUCTION AND FIRST READING

SENATE BILL NO. 2488, by Senators Van Hollebeke, Talley and Woody:

An Act relating to judicial salaries; amending section 100, chapter 299, Laws of 1961 as last amended by section 6, chapter 149, Laws of 1974 ex. sess. (Initiative Measure No. 282) and RCW 3.58.010; amending section 101, chapter 299, Laws of 1961 as

last amended by section 1, chapter 95, Laws of 1974 ex. sess. and RCW 3.58.020; and adding new sections to chapter 3.58 RCW.

Referred to Judiciary Committee.

SENATE BILL NO. 2489, by Senators Matson and Morrison:

An Act relating to horse racing; and amending section 6, chapter 55, Laws of 1933 as amended by section 1, chapter 39, Laws of 1973 1st ex. sess. and RCW 67.16.050.

Referred to Committee on Commerce.

SENATE BILL NO. 2490, by Senators Guess, Wanamaker and Lewis (R. H. "Bob"):

An Act relating to state institutions of higher learning; 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. 2491, by Senators Pullen, Beck and Grant:

An Act relating to the department of fisheries; amending section 75.08.220, chapter 12, Laws of 1955 and RCW 75.08.220; and prescribing penalties.

Referred to Committee on Natural Resources.

SENATE BILL NO. 2492, by Senators Day and McDermott (by Department of Social and Health Services request):

An Act relating to community mental health services; amending section 1, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.010; amending section 2, chapter 111, Laws of 1967 ex. sess. as amended by section 6, chapter 304, Laws of 1971 ex. sess. and RCW 71.24.020; amending section 4, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.040; amending section 10, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.100; adding new sections to chapter 71.24 RCW; repealing section 60, chapter 142, Laws of 1973 1st ex. sess. and RCW 71.05.550; 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 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 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 and RCW 71.24.165; and providing an effective date.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2493, by Senators Rasmussen and von Reichbauer:

An Act relating to retirement systems for law enforcement officers; adding new sections to chapter 41.26 RCW; and adding new sections to chapter 43.43 RCW.

Referred to Committee on State Government.

SENATE BILL NO. 2494, by Senators Stortini, Gould and Murray:

An Act relating to education; and adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.04 RCW.

Referred to Committee on Education.

SENATE BILL NO. 2495, by Senators Guess and Peterson:

An Act relating to the department of natural resources; 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; adding new sections to chapter 224, Laws of 1951 and to chapter 58.24 RCW; and prescribing penalties.

Referred to Committee on Natural Resources.

SENATE BILL NO. 2496, by Senator Fleming:

An Act relating to minority business development; amending section 43.31.040, chapter 8, Laws of 1965 as last amended by section 2, chapter 221, Laws of 1967 and RCW 43.31.040; adding new sections to chapter 43.31 RCW; and making an appropriation.

Referred to Committee on Commerce.

SENATE BILL NO. 2497, by Senators Cunningham, Day, Ridder, Buffington, Fleming, Goltz and Benitz:

An Act relating to commerce; and creating a new chapter in Title 19 RCW.

Referred to Committee on Commerce.

There being no objection, the rules were suspended and additional sponsors were permitted on Senate Bill No. 2497.

SENATE BILL NO. 2498, by Senators Benitz and Morrison:

An Act relating to state highways; and adding a new section to chapter 47.17 RCW.

Referred to Committee on Transportation and Utilities.

ENGROSSED HOUSE BILL NO. 1, by Representative Kilbury:

Authorizing irrigation districts to pay certain insurance premiums.

Referred to Committee on Agriculture.

ENGROSSED HOUSE BILL NO. 13, by Representatives Conner, Becker and Moreau:

Allowing the liquor board to issue licenses to charitable or nonprofit organizations which have officers or directors who are residents of a foreign country bordering on this state.

Referred to Committee on State Government.

ENGROSSED HOUSE BILL NO. 23, by Representative Ehlers:

Authorizing school district participation in voluntary nonprofit organizations regulating interschool activities, subject to certain conditions and state board of education rules.

Referred to Committee on Education.

SECOND READING

SENATE BILL NO. 2242, by Senators Henry and Marsh:

Changing membership of Columbia River Gorge Commission, defining its duties, and describing area of the commission's jurisdiction.

REPORT OF STANDING COMMITTEE

February 3, 1975.

SENATE BILL NO. 2242, changing membership of Columbia River Gorge Commission, defining its duties, and describing area of the commission's jurisdiction (reported by Committee on State Government):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, line 15, after "plan" and before "be" strike "shall" and insert "may then":

On page 3, line 32, after "and" and before "expenses" strike "substance" and insert "subsistence".

On page 4, line 7, after "services" and before "as" insert "from its existing personnel".

Signed by: Senators Rasmussen, Chairman; Buffington, Cunningham, Henry, Knoblauch, Wanamaker.

The bill was read the second time by sections.

On motion of Senator Rasmussen, the committee amendments were adopted.

On motion of Senator Henry, the following amendment was adopted:

On page 3, line 13, change "3" to "2".

Senator Henry moved adoption of the following amendment:

On page 3, starting with line 22, strike all language through line 28 and insert the following:

"The legislature further declares that all agencies of state and local government, shall, in their planning and management, give full consideration to the environmental protection and economic utilization of the Columbia River Gorge, and the best interests of the state and people in general, in conformity with the plan to be prepared pursuant to section 2 of this 1975 amendatory act."

POINT OF INQUIRY

Senator Lewis (Harry): "Would Senator Henry yield? Senator Henry, I do not really understand what the amendment does or the original language of the bill. Does it mean that agencies of state government are committed now to consideration of what plan would be adopted by the commission?"

Senator Henry: "Right. There was a meeting of practically all state agencies involved with the Governor's overseeing the thing and this is what they agreed that they would be able to draw expertise from the various state agencies; Department of Natural Resources, Fisheries, and so forth."

The motion by Senator Henry carried and the amendment was adopted.

On motion of Senator Henry, the following amendment was adopted:

On page 9, line 8 change "3" to "2".

On motion of Senator Henry, the rules were suspended, Engrossed Senate Bill No. 2242 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 Francis: "Will Senator Henry yield? Senator Henry, I maybe did not follow everything you were saying, although I tried, but I am trying to understand. Part of the thrust of this seems to be to change the direction of the purpose of the commission, which on line 29, the part that is stricken, said it was for protecting the recreational, scenic and historic areas. Now it says the scenic, historical and geological qualities of the gorge. We have taken recreational out of there, I guess, and I am just wondering, have we done that, and if so, why?"

Senator Henry: "No, it does not, and on page 3, section 4, I would guess about the lines 16 through to 22 retains — they are all spelled out very definitely what the advisory commission is going to work on. There are six points, I think, there."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2242, and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 1; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—46.

Absent or not voting: Senator Bluechel—1.

Excused: Senators Guess, Lewis (R. H. "Bob")—2.

ENGROSSED SENATE BILL NO. 2242, having received the 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 RESOLUTION NO. 110, by Senators Sandison, Keefe, Lewis (Harry), Marsh, Guess, Mardesich, Matson, Day, Bottiger, Sellar, Fleming, Stortini, Woody, Murray, Van Hollebeke, Benitz, McDermott, Goltz, Grant, Beck, von Reichbauer, Buffington and Talley (by Council on Higher Education request):

Proposing constitutional amendment permitting aid to students attending both public and private post-secondary institutions of higher education.

The resolution was read the second time in full.

Senator Scott moved adoption of the following amendment:

On page 2, line 13, after "attending" and before "public" insert "accredited".

Debate ensued.

There being no objection, the amendment by Senator Scott was withdrawn.

On motion of Senator Sandison, Senate Joint Resolution No. 110 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

Debate ensued.

MOTION

Senator Fleming moved that Senate Joint Resolution No. 110 be held on the third reading calendar for Friday, February 14, 1975.

Debate ensued.

POINT OF ORDER

Senator Mardesich: "Mr. President, simply to speed up the process, the question is not the issue before us but the question of holding over."

RULING BY THE PRESIDENT

The President: "Senator Mardesich's point of order is well taken. The question before the Senate is the motion by Senator Fleming that Senate Joint Resolution No. 110 hold its place on second reading calendar for tomorrow."

Senator Sandison demanded a roll call and the demand was sustained by Senators Lewis (Harry), Bailey, Beck, Day, Talley, von Reichbauer, Van Hollebeke, Sellar and Stortini.

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Fleming that Senate Joint Resolution No. 110 be held for the third reading calendar on Friday, February 14, 1974.

ROLL CALL

The Secretary called the roll and the motion by Senator Fleming failed by the following vote: Yeas, 16; nays, 30; absent or not voting, 1; excused, 2.

Voting yea: Senators Bottiger, Buffington, Fleming, Francis, Grant, Jones, Lewis (Harry), McDermott, Murray, Pullen, Ridder, Scott, Sellar, Walgren, Wanamaker, Wilson—16.

Voting nay: Senators Bailey, Beck, Benitz, Bluechel, Clarke, Cunningham, Day, Donohue, Goltz, Gould, Herr, Jolly, Keefe, Knoblauch, Mardesich, Marsh, Matson, Morrison, Newschwander, North, Odegaard, Peterson, Rasmussen, Sandison, Stortini, Talley, Van Hollebeke, von Reichbauer, Washington, Woody—30.

Absent or not voting: Senator Henry—1.

Excused: Senators Guess, Lewis (R. H. "Bob")—2.

The President declared the question before the Senate to be the roll call on final passage of Senate Joint Resolution No. 110.

Debate ensued.

MOTION

On motion of Senator Wanamaker, Senator Buffington was excused.

POINT OF INQUIRY

Senator Rasmussen: "Would Senator Francis yield to a question? Senator Francis, as I read new section, section 6 'notwithstanding the provisions of Article I, section 2, Article IX, section 4, Article XIII, section 5, or any other section or article of the Constitution of the State of Washington' — now my question, Senator Francis, are we permitted to amend without specifically amending just one article of the Constitution or are we allowed, under our Constitution, to do as this proposed resolution says, amend several sections of the Constitution at one time?"

Senator Francis: "Senator Rasmussen, I am probably not your best expert, but I think it is a proper and appropriate function of the legislature to pass a constitutional amendment which modifies previous constitutional provisions without outright repealing them, and it could modify more than one section which is what this one purports to do. I may be wrong, but I personally do not see anything defective about the way this thing is drafted."

Senator Rasmussen: "Thank you. Time will tell."

Senator Bottiger: "Mr. President and members of the Senate, I think it is interesting, Senator Rasmussen, that one of the amendments that causes us the most problems in this state, the Seventeenth Amendment, starts out 'notwithstanding any other provision in this Constitution.' So I think that question has been answered. You can do what we are doing here. If anything, that is better than just saying 'notwithstanding anything else.'"

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Resolution No. 110, and the resolution passed the Senate by the following vote: Yeas, 38; nays, 3; excused, 3.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Clarke, Cunningham, Day, Donohue, Goltz, Grant, Henry, Herr, Jolly, Keefe, Knoblauch, Lewis (Harry), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Ridder, Sandison, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Washington, Wilson, Woody—38.

Voting nay: Senators Fleming, Francis, Gould, Jones, Rasmussen, Scott, Walgren, Wanamaker—8.

Excused: Senators Buffington, Guess, Lewis (R. H. "Bob")—3.

SENATE JOINT RESOLUTION NO. 110, having received the constitutional two-thirds majority, was declared passed.

MOTION

On motion of Senator Sandison, Senate Joint Resolution No. 110 was ordered immediately transmitted to the House.

APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence in the Senate Chamber of former State Senator John H. Stender who is presently Assistant Secretary of Labor for Occupational Safety and Health for the United States and appointed Senators Ridder, Matson, Lewis (Harry) and Stortini to escort the Honorable John H. Stender to the rostrum.

Senator Harry Lewis introduced the distinguished guest and with permission of the Senate, business was suspended to permit the honored guest to address the Senate.

The special committee escorted the Honorable John H. Stender from the Senate Chamber and the committee was discharged.

SECOND READING

HOUSE BILL NO. 100, by Representatives Luders, Newhouse, Charette, Pardini, Martinis, Kilbury, Berentson, Ceccarelli, Hansey, Laughlin, Wilson and Matthews:

Providing for bond financing of pollution control and industrial development.

The bill was read the second time by sections.

On motion of Senator Murray, the rules were suspended, House Bill No. 100 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 Washington: "Would Senator Murray yield to a question? Senator Murray, as you know, in the committee itself I was concerned about several factors in the bill. I was concerned particularly about the words 'other industrial development' which appeared on lines 8, 13, and 14 in section 5 of the bill and the words 'indirectly relating to pollution control facilities' appearing on line 13 of section 5. I want to be sure that these words will not broaden the coverage of the 1973 law. Now so that legislative intent may be put in the record, I ask the following specific question, is it intended that House Bill No. 100 in any way expands the definition of facility or facilities as set forth in RCW 70.95A.020 to include facilities which cannot now be financed by tax free revenue bonds under the provisions of Chapter 132 of the Laws of 1973?"

Senator Murray: "No."

MOTION

Senator Bailey moved that House Bill No. 100 be held at the beginning of the third reading calendar for Friday, February 14, 1975.

Debate ensued.

The motion by Senator Bailey carried. House Bill No. 100 was ordered placed at the beginning of the third reading calendar for Friday, February 14, 1975.

MOTION

At 12:30 p.m., on motion of Senator Mardesich, the Senate adjourned until 11:00 a.m., Friday, February 14, 1975.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

THIRTY-THIRD DAY**MORNING SESSION**

Senate Chamber, Olympia, Friday, February 14, 1975.

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

The Color Guard, consisting of Pages Mary Webb and John Mardesich, presented the Colors. Reverend Glen D. Cole, pastor of Evergreen Christian Center of Olympia, offered the following prayer:

"OUR HEAVENLY FATHER, IN A DAY WHEN HATE AND TROUBLE SEEM TO DOMINATE IN SO MANY AREAS, WE THANK YOU FOR THIS DAY WHEN THE GREAT GIFT OF LOVE IS EMPHASIZED. HELP US, LORD, TO LOVE YOU, EVEN AS THE FIRST COMMANDMENT SUGGESTS, THEN TO LOVE OUR NEIGHBORS AS WE LOVE OURSELVES. WE REMEMBER THE WORDS OF THAT GREAT LOVE CHAPTER IN THE BIBLE TODAY; 'LOVE ENDURES LONG AND IS KIND; LOVE IS NOT JEALOUS; LOVE IS NOT OUT FOR DISPLAY; IT IS NOT CONCEITED OR UNMANNERLY; IT IS NEITHER SELF-SEEKING NOR IRRITABLE, NOR DOES IT TAKE ACCOUNT OF A WRONG THAT IS SUFFERED. IT TAKES NO PLEASURE IN INJUSTICE BUT SIDES HAPPILY WITH TRUTH. IT BEARS EVERYTHING IN SILENCE, HAS UNQUENCHABLE FAITH, HOPES UNDER ALL CIRCUMSTANCES, ENDURES WITHOUT LIMIT. LOVE NEVER FAILS'.

"O GOD, GIVE US YOUR LOVE TODAY THAT WE MAY SEE THE FULFILLMENT OF THIS GREAT PASSAGE. NOT ONLY IN OUR LIVES AND IN OUR RELATIONSHIPS, BUT THROUGHOUT THE WORLD. IN THE NAME OF CHRIST OUR LORD. AMEN."

MOTION

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

REPORTS OF STANDING COMMITTEES

February 13, 1975.

SENATE BILL NO. 2093, enacting general provisions of a new criminal code (reported by Judiciary Committee):

MAJORITY recommendation: That Substitute Senate Bill No. 2093 be substituted therefor and the substitute bill do pass.

Signed by: Senators Francis, Chairman; Buffington, Clarke, Jones, Keefe, Marsh, Scott, Woody.

Passed to Committee on Rules for second reading.

February 12, 1975.

SENATE BILL NO. 2101, requiring a state hospital for treatment of sexual psychopaths on each side of the Cascade Range (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; von Reichbauer, Vice Chairman; Cunningham, Francis, Goltz, Gould, North, Pullen, Ridder, Van Hollebeke.

Passed to Committee on Rules for second reading.

REPORT OF STANDING COMMITTEE

February 13, 1975.

SENATE BILL NO. 2149, enacting a comprehensive horse identification law (reported by Committee on Rules):

MAJORITY recommendation: That Senate Bill No. 2149 be indefinitely postponed.

Signed by: Lieutenant Governor Cherberg, Chairman; Senators Bailey, Bottiger, Clarke, Henry, Herr, Keefe, Lewis (Harry), Mardesich, Marsh, Matson, Newschwander, Talley.

MOTION

On motion of Senator Bottiger, Senate Bill No. 2149 was indefinitely postponed.

REPORTS OF STANDING COMMITTEES

February 13, 1975.

SENATE BILL NO. 2192, increasing the membership of the teachers' retirement system board (reported by Committee on Education):

Recommendation: Do pass.

Signed by: Senators Stortini, Chairman; Francis, Gould, McDermott, Murray, Newschwander, von Reichbauer.

Passed to Committee on Rules for second reading.

February 12, 1975.

SENATE BILL NO. 2208, authorizing the purchase of alcoholic beverages at discount for use in special alcohol programs (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; Cunningham, Goltz, Gould, North, Pullen, Ridder.

Passed to Committee on Rules for second reading.

February 13, 1975.

HOUSE JOINT MEMORIAL NO. 2, requesting the federal government return to the states at least 50% of increased revenues from new energy conservation taxes (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass.

Signed by: Senators Walgren, Chairman; Beck, Benitz, Bluechel, Bottiger, Jolly, Knoblauch, Morrison, Sellar, Wanamaker.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE GOVERNOR

Office of the Governor, February 13, 1975.

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 March 1, 1975 for a term ending at the Governor's pleasure, succeeding Thor Tollefson as Director of the Department of Fisheries.

Sincerely,
DANIEL J. EVANS
Governor.

MOTION

On motion of Senator Mardesich, the rules were suspended and the Senate commenced consideration of the appointment of Donald W. Moos as Director of the Department of Fisheries.

CONFIRMATION OF GUBERNATORIAL APPOINTMENT
MOTION

On motion of Senator Mardesich, the appointment of DONALD W. MOOS as Director of the Department of Fisheries 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 Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—49.

MESSAGES FROM THE GOVERNOR

Office of the Governor, February 13, 1975.

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:

Archie U. Mills, appointed February 12, 1975 for a term ending January 19, 1981, succeeding Elmer Gerken as a member of the State Game Commission.

Sincerely,
DANIEL J. EVANS
Governor,

Referred to Committee on Natural Resources.

Office of the Governor, February 13, 1975.

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 Carbon, appointed April 1, 1975 for a term ending January 15, 1979, succeeding Urgel Bell as a member of the Horse Racing Commission.

Sincerely,
DANIEL J. EVANS
Governor,

Referred to Committee on Natural Resources.

Office of the Governor, February 13, 1975.

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:

Herman Sarkowsky, appointed February 11, 1975 for a term ending January 15, 1981, succeeding himself as a member of the Horse Racing Commission.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Natural Resources.

Office of the Governor, February 13, 1975.

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

LADIES AND GENTLEMEN:

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

Elizabeth W. Meadowcroft, appointed February 12, 1975 for a term ending January 19, 1981, succeeding James Agen as a member of the State Game Commission.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Natural Resources.

MESSAGE FROM THE HOUSE

February 13, 1975.

Mr. President: The House has passed:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 87,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 198,
HOUSE BILL NO. 266,
ENGROSSED HOUSE BILL NO. 281,
HOUSE BILL NO. 297,
ENGROSSED HOUSE BILL NO. 330,
HOUSE BILL NO. 349,
ENGROSSED HOUSE BILL NO. 385,
HOUSE JOINT MEMORIAL NO. 9,
ENGROSSED HOUSE JOINT RESOLUTION NO. 19, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

INTRODUCTION AND FIRST READING

SENATE BILL NO. 2499, by Senators Gould, Beck and Talley:

An Act relating to commercial food fish and shellfish licenses; amending section 75.28.300, chapter 12, Laws of 1955 as last amended by section 1, chapter 28, Laws of 1965 ex. sess. and RCW 75.28.300; amending section 75.28.310, chapter 12, Laws of 1955 and RCW 75.28.310; adding new sections to chapter 75.28 RCW; repealing section 75.28.320, chapter 12, Laws of 1955 and RCW 75.28.320; repealing section 75.28.325, chapter 12, Laws of 1955 and RCW 75.28.325; repealing section 75.28.330, chapter 12, Laws of 1955 and RCW 75.28.330; repealing section 75.28.370, chapter 12, Laws of 1955 and RCW 75.28.370; and prescribing an effective date.

Referred to Committee on Natural Resources.

SENATE BILL NO. 2500, by Senators Mardesich, Matson, Lewis (Harry), Bailey, Gould, North and Ridder:

An Act relating to employer/employee relations in the public sector; and providing for an educational employment relations act.

Referred to Committee on Labor.

SENATE BILL NO. 2501, by Senators Rasmussen, Wanamaker and Donohue (by State Auditor request):

An Act relating to the state auditor; and amending section 43.09.310, chapter 8, Laws of 1965 as amended by section 2, chapter 170, Laws of 1971 ex. sess. and RCW 43.09.310.

Referred to Committee on State Government.

SENATE BILL NO. 2502, by Senator Rasmussen:

An Act relating to corporations; amending section 96, chapter 53, Laws of 1965 as amended by section 1, chapter 92, Laws of 1969 ex. sess. and RCW 23A.28.130; amending section 4, chapter 92, Laws of 1969 ex. sess. as amended by section 1, chapter 142, Laws of 1971 ex. sess. and RCW 23A.40.075; amending section 51, chapter 235, Laws of 1967 as amended by section 2, chapter 163, Laws of 1969 ex. sess. and RCW 24.03.250; and amending section 9, chapter 163, Laws of 1969 ex. sess. as amended by section 1, chapter 128, Laws of 1971 ex. sess. and RCW 24.03.302.

Referred to Judiciary Committee.

SENATE BILL NO. 2503, by Senator Day:

An Act relating to liability of persons withdrawing blood; and adding a new section to chapter 46.61 RCW.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2504, by Senator Odegaard:

An Act relating to fish and game; amending section 77.16.020, chapter 36, Laws of 1955 and RCW 77.16.020; amending section 77.16.000, chapter 36, Laws of 1955 and RCW 77.16.030; and prescribing penalties.

Referred to Committee on Natural Resources.

SENATE BILL NO. 2505, by Senators Scott and Morrison:

An Act relating to industrial insurance; amending section 11.07, chapter 79, Laws of 1947 as amended by section 5, chapter 197, Laws of 1953 and RCW 48.11.070; amending section 51.04.020, chapter 23, Laws of 1961 as amended by section 1, chapter 29, Laws of 1963 and RCW 51.04.020; amending section 51.04.030, chapter 23, Laws of 1961 as amended by section 74, chapter 289, Laws of 1971 ex. sess. and RCW 51.04.030; amending section 51.04.070, chapter 23, Laws of 1961 and RCW 51.04.070; amending section 51.04.090, chapter 23, Laws of 1961 and RCW 51.04.090; amending section 51.04.100, chapter 23, Laws of 1961 and RCW 51.04.100; amending section 88, chapter 289, Laws of 1971 ex. sess. as amended by section 5, chapter 43, Laws of 1972 ex. sess. and RCW 51.08.175; amending section 51.12.050, chapter 23, Laws of 1961 as amended by section 8, chapter 43, Laws of 1972 ex. sess. and RCW 51.12.050; amending section 51.12.070, chapter 23, Laws of 1961 as last amended by section 81, chapter 289, Laws of 1971 ex. sess. and RCW 51.12.070; amending section 82, chapter 289, Laws of 1971 ex. sess. as amended by section 12, chapter 43, Laws of 1972 ex. sess. and RCW 51.12.120; amending section 26, chapter 289, Laws of 1971 ex. sess. and RCW 51.14.010; amending section 30, chapter 289, Laws of 1971 ex. sess. and RCW 51.14.050; amending section 34, chapter 289, Laws of 1971 ex. sess. and RCW 51.14.100; amending section 35, chapter 289, Laws of 1971 ex. sess. and RCW 51.14.110; amending section 51.16.060, chapter 23, Laws of 1961 as last amended by section 1, chapter 32, Laws of 1973 1st ex. sess. and RCW 51.16.060; amending section 51.16.105, chapter 23, Laws of 1961 as last amended by section 8, chapter 52, Laws of 1973 1st ex. sess. and RCW 51.16.105; amending section 51.16.140, chapter 23, Laws of 1961 as last amended by section 2, chapter 110, Laws of 1973 and RCW 51.16.140; amending section 87, chapter 289, Laws of 1971 ex. sess. and RCW 51.16.155; amending section 51.16.160, chapter 23, Laws of 1961 as amended by section 78, chapter 289, Laws of 1971 ex. sess. and RCW 51.16.160; amending section 51.16.170, chapter 23, Laws of 1961 and RCW 51.16.170; amending section 51.16.180, chapter 23,

Laws of 1961 as amended by section 79, chapter 289, Laws of 1971 ex. sess. and RCW 51.16.180; amending section 51.24.010, chapter 23, Laws of 1961 as last amended by section 93, chapter 154, Laws of 1973 1st ex. sess. and RCW 51.24.010; amending section 51.28.020, chapter 23, Laws of 1961 as amended by section 38, chapter 289, Laws of 1971 ex. sess. and RCW 51.28.020; amending section 39, chapter 289, Laws of 1971 ex. sess. and RCW 51.28.025; amending section 51.28.030, chapter 23, Laws of 1961 as last amended by section 17, chapter 43, Laws of 1972 ex. sess. and RCW 51.28.030; amending section 51.32.030, chapter 23, Laws of 1961 and RCW 51.32.030; amending section 1, chapter 30, Laws of 1974 ex. sess. and RCW 51.32.040; amending section 46, chapter 289, Laws of 1971 ex. sess. and RCW 51.32.055; amending section 17, chapter 289, Laws of 1971 ex. sess. as last amended by section 3, chapter 110, Laws of 1973 and RCW 51.32.073; amending section 12, chapter 289, Laws of 1971 ex. sess. as amended by section 23, chapter 43, Laws of 1972 ex. sess. and RCW 51.32.095; amending section 51.32.110, chapter 23, Laws of 1961 as amended by section 13, chapter 289, Laws of 1971 ex. sess. and RCW 51.32.110; amending section 51.32.130, chapter 23, Laws of 1961 and RCW 51.32.130; amending section 47, chapter 289, Laws of 1971 ex. sess. as amended by section 25, chapter 43, Laws of 1972 ex. sess. and RCW 51.32.190; amending section 48, chapter 289, Laws of 1971 ex. sess. and RCW 51.32.200; amending section 51.36.020, chapter 23, Laws of 1961 as last amended by section 51, chapter 289, Laws of 1971 ex. sess. and RCW 51.36.020; amending section 52, chapter 289, Laws of 1971 ex. sess. and RCW 51.36.050; amending section 53, chapter 289, Laws of 1971 ex. sess. and RCW 51.36.060; amending section 54, chapter 289, Laws of 1971 ex. sess. and RCW 51.36.070; amending section 51.44.030, chapter 23, Laws of 1961 and RCW 51.44.030; amending section 18, chapter 289, Laws of 1971 ex. sess. and RCW 51.44.033; 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; amending section 51.44.080, chapter 23, Laws of 1961 as last amended by section 29, chapter 43, Laws of 1972 ex. sess. and RCW 51.44.080; amending section 58, chapter 289, Laws of 1971 ex. sess. as amended by section 30, chapter 43, Laws of 1972 ex. sess. and RCW 51.44.140; amending section 51.48.010, chapter 23, Laws of 1961 as amended by section 61, chapter 289, Laws of 1971 ex. sess. and RCW 51.48.010; amending section 62, chapter 289, Laws of 1971 ex. sess. and RCW 51.48.015; amending section 66, chapter 289, Laws of 1971 ex. sess. and RCW 51.48.017; amending section 51.48.020, chapter 23, Laws of 1961 as amended by section 63, chapter 289, Laws of 1971 ex. sess. and RCW 51.48.020; amending section 51.48.040, chapter 23, Laws of 1961 and RCW 51.48.040; amending section 51.48.050, chapter 23, Laws of 1961 and RCW 51.48.050; amending section 51.48.070, chapter 23, Laws of 1961 and RCW 51.48.070; amending section 51.48.090, chapter 23, Laws of 1961 and RCW 51.48.090; amending section 65, chapter 289, Laws of 1971 ex. sess. and RCW 51.48.110; amending section 32, chapter 43, Laws of 1972 ex. sess. and RCW 51.48.120; amending section 33, chapter 43, Laws of 1972 ex. sess. and RCW 51.48.130; amending section 34, chapter 43, Laws of 1972 ex. sess. and RCW 51.48.140; amending section 35, chapter 43, Laws of 1972 ex. sess. and RCW 51.48.150; amending section 51.52.030, chapter 23, Laws of 1961 and RCW 51.52.030; adding new sections to Title 51 RCW; adding new sections to chapter 23, Laws of 1961 and to chapter 51.08 RCW; repealing section 36, chapter 289, Laws of 1971 ex. sess. and RCW 51.14.070; repealing section 16, chapter 289, Laws of 1971 ex. sess. and RCW 51.16.035; repealing section 51.16.090, chapter 23, Laws of 1961 and RCW 51.16.090; repealing section 51.16.100, chapter 23, Laws of 1961 and RCW 51.16.100; repealing section 51.16.110, chapter 23, Laws of 1961, section 4, chapter 289, Laws of 1971 ex. sess. and RCW 51.16.110; repealing section 51.16.120, chapter 23, Laws of 1961, section 13, chapter 43, Laws of 1972 ex. sess. and RCW 51.16.120; repealing section 51.16.130, chapter 23, Laws of 1961, section 14, chapter 43, Laws of 1972 ex. sess. and RCW 51.16.130; repealing section 26, chapter 43, Laws of 1972 ex. sess. and RCW 51.32.210; repealing section 51.44.040, chapter 23, Laws of 1961, section 27, chapter 43, Laws of 1972 ex. sess. and RCW 51.44.040; repealing section 51.44.050, chapter 23, Laws of 1961 and RCW 51.44.050; repealing section 51.44.060, chapter 23, Laws of 1961, section 28, chapter 43, Laws of 1972 ex. sess. and RCW

51.44.060; repealing section 59, chapter 289, Laws of 1971 ex. sess. and RCW 51.44.150; proclaiming an emergency; and prescribing an effective date.

Referred to Committee on Labor.

SENATE BILL NO. 2506, by Senators Day and Henry:

An Act relating to blind persons; adding new sections to chapter 74.16 RCW; repealing section 1, chapter 170, Laws of 1955 and RCW 27.04.035; repealing section 74.16.040, chapter 26, Laws of 1959 and RCW 74.16.040; repealing section 1, chapter 144, Laws of 1963 and RCW 74.16.310; and declaring an emergency.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2507, by Senators Henry, Bluechel and North (by Secretary of State request):

An Act relating to annexation; amending section 35.13.260, chapter 7, Laws of 1965 as last amended by section 1, chapter 50, Laws of 1969 ex. sess. and RCW 35.13.260; and amending section 35A.14.700, chapter 119, Laws of 1967 ex. sess. and RCW 35A.14.700.

Referred to Committee on Local Government.

SENATE BILL NO. 2508, by Senator Washington:

An Act relating to institutions of higher education; 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. 2509, by Senator Woody:

An Act relating to notaries public; amending section 3, page 473, Laws of 1890 and RCW 42.28.030; amending section 5, page 474, Laws of 1890 and RCW 42.28.050; amending section 6, page 474, Laws of 1890 and RCW 42.28.070; amending section 1, chapter 56, Laws of 1907 as amended by section 7, chapter 51, Laws of 1951 and RCW 42.28.080; and adding a new section to chapter 42.28 RCW.

Referred to Judiciary Committee.

SENATE BILL NO. 2510, by Senators Donohue and Keefe (by Lieutenant Governor request):

An Act relating to retirement plans of certain institutions of higher education; amending section 28B.10.400, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 149, Laws of 1973 1st ex. sess. and RCW 28B.10.400; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2511, by Senator Rasmussen (by Lieutenant Governor request):

An Act relating to state government; and adding a new chapter to Title 43 RCW.

Referred to Committee on State Government.

SENATE BILL NO. 2512, by Senators Clarke, Jones and Bottiger:

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 and Utilities.

SENATE BILL NO. 2513, by Senators Matson and Fleming:

An Act relating to labor; amending section 1, chapter 125, Laws of 1974 ex. sess. (uncodified); amending section 3, chapter 125, Laws of 1974 ex. sess. (uncodified);

amending section 4, chapter 125, Laws of 1974 ex. sess. (uncodified); and declaring an emergency.

Referred to Committee on Labor.

SENATE BILL NO. 2514, by Senators Grant and Sellar:

An Act relating to pilots' liens; and amending section 15, chapter 18, Laws of 1935 and RCW 88.16.140.

Referred to Judiciary Committee.

SENATE JOINT MEMORIAL NO. 109, by Senators Marsh and Lewis (Harry):
Memorializing Congress to modify Indian treaties relating to fishing rights.

Referred to Committee on Natural Resources.

SENATE JOINT RESOLUTION NO. 117, by Senators Bailey and Matson:
Relating to ad valorem tax revenue financing.

Referred to Committee on Ways and Means.

SENATE JOINT RESOLUTION NO. 118, by Senators Bailey and Matson:
Relating to industrial revenue bonds.

Referred to Committee on Ways and Means.

SENATE JOINT RESOLUTION NO. 119, by Senators Bailey and Matson:
Relating to public financing of environmental pollution control facilities.

Referred to Committee on Ways and Means.

SENATE JOINT RESOLUTION NO. 120, by Senators Bailey and Matson:
Relating to public financing of improvements for a public purpose.

Referred to Committee on Ways and Means.

SENATE JOINT RESOLUTION NO. 121, by Senators Lewis (Harry), Clarke, Matson, Scott, Buffington, Gould, North, Lewis (R. H. "Bob"), Cunningham, Benitz, Newschwander, Wanamaker, Jones, Bluechel, Sellar, Murray, Morrison, Guess and Pullen:

Providing for annual sessions of the legislature.

Referred to Committee on Constitution and Elections.

SENATE JOINT RESOLUTION NO. 122, by Senator Washington:

Amending Constitution to change method of calling constitutional convention and adopting amendments.

Referred to Committee on Constitution and Elections.

There being no objection, the rules were suspended and additional sponsors were permitted on Senate Bill No. 2500 and Senate Joint Memorial No. 121.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 87, by Committee on Agriculture (originally sponsored by Representatives Laughlin, Amen, Kilbury, Bauer, Bausch, Haussler, Jastad, Kalich and Zimmerman):

Revising regulations on control of noxious weeds.

Referred to Committee on Agriculture.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 198, by Committee on Financial Institutions (originally sponsored by Representatives Ceccarelli, Bagnariol, Deccio and Pardini):

Amending the insurance code.

Referred to Committee on Financial Institutions.

HOUSE BILL NO. 266, by Representatives Randall, Pardini and Erickson (by Department of Revenue request):
Pertaining to revenue and taxation.
Referred to Committee on Ways and Means.

ENGROSSED HOUSE BILL NO. 281, by Representatives Parker, Kuehnle, Adams and Barnes (by Department of Social and Health Services request):
Authorizing continuation of child welfare services to age twenty-one.
Referred to Committee on Social and Health Services.

HOUSE BILL NO. 297, by Representatives Bauer, Laughlin, McKibbin and Zimmerman (by Department of Social and Health Services request):
Providing for transportation of deaf and blind students.
Referred to Committee on Social and Health Services.

ENGROSSED HOUSE BILL NO. 330, by Representatives Bagnariol, Pardini, Randall, Warnke, Shinpoch, Charnley, Eng, Matthews and North:
Exempting insulin and prosthetic devices from sales and use taxes.
Referred to Committee on Ways and Means.

HOUSE BILL NO. 349, by Representatives Hawkins, Brown and Randall (by Department of Revenue request):
Pertaining to apportionment of services and income for tax purposes.
Referred to Committee on Ways and Means.

ENGROSSED HOUSE BILL NO. 385, by Representatives Kilbury, Tilly, Becker and Hansen:
Increasing the assessment per head on cattle.
Referred to Committee on Agriculture.

HOUSE JOINT MEMORIAL NO. 9, by Representatives Perry, Kilbury, Hansen, Patterson, Fortson, Fischer, Smith (Edward), Tilly, Bender, Clemente, Charnley, Hurley (George), Warnke, Luders, Knowles, Chatalas, North, Seeberger, Boldt, Moreau, Amen, Curtis and Laughlin:
Memorializing Congress to give priority to completing the Columbia Basin Project.
Referred to Committee on Agriculture.

ENGROSSED HOUSE JOINT RESOLUTION NO. 19, by Representatives O'Brien, King, Pardini, Bagnariol, Flanagan, Chandler, Knowles, Kuehnle, McCormick, Freeman, Parker, Paris, Perry, Lysen, Zimmerman, Berentson, Wojahn, May, Gallagher, Matthews, Peterson, Chatalas, Kalich, Bond, Whiteside, Barnes, Leckenby, North, Ceccarelli, Becker, Seeberger, Maxie, Hurley (George), Bauer, Thompson, Hurley (Margaret), Bausch, Curtis, Kraabel, Hayner, Eng, Gilleland, Schumaker, Kilbury, Smith (Edward) and Warnke (by Executive request):
Proposing constitutional amendment allowing legislature to provide assistance to all private and public school students.
Referred to Committee on Education.

MOTIONS

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

Senator Mardesich moved that the rules be suspended and the following resolution be adopted:

SENATE RESOLUTION 1975-12

By Senators Bailey and Mardesich.

BE IT RESOLVED, That Rule 56 of the Senate Rules of the Regular Session of the Forty-fourth Legislature be amended to read as follows:

"INTRODUCTION OF BILLS

RULE 56. 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 [on the thirty-fifth legislative day of the session the filing with the secretary of the senate will be extended to five o'clock in the evening; and that no bill, joint resolution or joint memorial is to be introduced which has not been in the hands of the secretary at the time above stated] *all bills to be considered by the senate during the regular session shall be on the request list of the code reviser by 12:00 noon the 38th day and shall be read in on the fifth order of business no later than the fortieth legislative day.*

After the [thirty-sixth] *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.

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)."

Debate ensued.

The motion by Senator Mardesich carried and the resolution was adopted.

MOTION

On motion of Senator Mardesich, the Senate returned to the fifth order of business.

INTRODUCTION AND FIRST READING

SENATE CONCURRENT RESOLUTION NO. 105, by Senators Bailey and Mardesich:

Adopting the Joint Rules of the Washington State Legislature.

On motion of Senator Mardesich, the rules were suspended and Senate Concurrent Resolution No. 105 was read the second time in full.

Senator Morrison moved adoption of the following amendment:

Amend Rule 26 by adding the following paragraph after paragraph three:

"Commencing with prefilng for the forty-fifth session of the legislature, provision may be made for dual sponsorship of bills, memorials, and resolutions, as directed by joint action of the rules committees of both houses. Such direction may include joint rules to encourage dual sponsorship and provide for a compatible bill numbering system."

Debate ensued.

POINT OF INQUIRY

Senator Bailey: "Would Senator Morrison yield? It is understood strictly that this is only a suggestion? It does not have to be conformed with?"

Senator Morrison: "Yes, that is correct. The language is that the provision may be made for the '77 session, depending upon action of the Joint Rules Committee. I think it is just an attempt — we are willing to look at some modification of the process. If, in fact, it is beneficial to all parties, then the Rules Committee would have the authority given to them now to adopt this proposal so it would fit for a prefiling for the Forty-fifth Session of the Legislature."

Senator Bailey: "With the idea that it is only a direction and not an order, I would support the amendment. However, the amendment to the Rules, I want to point out, Senator, that we did consider this at length two years ago and we ended up finding ourselves in joint sponsorship of bills that split up to the point that when a Senator introduced a bill he had to go to the House and find a House member to introduce the bill. And then the question was which committee it went to. Is the House going to tell the Senate where to refer the bill or is the Senate going to tell the House where to refer the bill? There is not much gained if we are going to different committees. The other thing, we have a book on House bills; we have a book on Senate bills. Are we going to have a third book on joint bills? There are so many technicalities here. As I say, I will go along with your proposal but it is not something that is entirely new to us. Probably the newest thing would be if you would come out and recommend a unicameral legislature. Then you would be talking about what you are getting at right now. We are glad to have you over here, but we do not want you to revolutionize the whole Senate overnight."

The motion by Senator Morrison carried and the amendment was adopted.

Senator Washington moved adoption of the following amendment by Senators Washington, von Reichbauer, Grant, Wilson, Knoblauch, Goltz and McDermott:

Amend Joint Rule 35 by adding the following:

"All meetings of any Conference or Free Conference Committee shall be open to the public; and at least one hour prior to the convening of any such meeting, notice thereof setting forth the time, place and subject matter of the meeting shall be posted in the Chamber of each house."

Debate ensued.

On motion of Senator Washington, the following oral amendment to the amendment was adopted:

After "Rule" and before "by" strike "35" and insert "33".

Senator Washington demanded a roll call on the amendment, as amended, and the demand was sustained by Senators von Reichbauer, Bailey, McDermott, Wilson, Goltz, Stortini, Beck, Ridder and Francis.

ROLL CALL

The Secretary called the roll and the motion by Senator Washington failed and the amendment, as amended, was not adopted by the following vote: Yeas, 13, nays, 36.

Voting yea: Senators Fleming, Francis, Goltz, Grant, Knoblauch, McDermott, Morrison, Odegaard, Rasmussen, Talley, von Reichbauer, Washington, Wilson—13.

Voting nay: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Gould, Guess, Henry, Herr, Jolly, Jones, Keefe, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Murray, Newschwander, North, Peterson, Pullen, Ridder, Sandison, Scott, Sellar, Stortini, Van Hollebeke, Walgren, Wanamaker, Woody—36.

On motion of Senator Mardesich, Engrossed Senate Concurrent Resolution No. 105 was advanced to third reading, the second reading considered the third, and the resolution was adopted.

CONFIRMATIONS OF GUBERNATORIAL APPOINTMENTS
MOTION

On motion of Senator Mardesich, the appointment of RICK ANCHETA as a member of the Commission on Asian American Affairs was confirmed.

APPOINTMENT OF RICK ANCHETA

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—49.

MOTION

On motion of Senator Mardesich, the appointment of MAXINE CHAN as a member of the Commission on Asian American Affairs was confirmed.

APPOINTMENT OF MAXINE CHAN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—49.

MOTION

On motion of Senator Mardesich, the appointment of CHERYL CHOW as a member of the Commission on Asian American Affairs was confirmed.

APPOINTMENT OF CHERYL CHOW

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—49.

MOTION

On motion of Senator Mardesich, the appointment of REY PASCUA as a member of the Commission on Asian American Affairs was confirmed.

APPOINTMENT OF REY PASCUA

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—49.

MOTION

On motion of Senator Mardesich, the appointment of LOIS FLEMING as a member of the Commission on Asian American Affairs was confirmed.

APPOINTMENT OF LOIS FLEMING

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—49.

MOTION

On motion of Senator Mardesich, the appointment of FRANK HATTORI as a member of the Commission on Asian American Affairs was confirmed.

APPOINTMENT OF FRANK HATTORI

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—49.

MOTION

On motion of Senator Mardesich, the appointment of PHILIP HAYASAKA as a member of the Commission on Asian American Affairs was confirmed.

APPOINTMENT OF PHILIP HAYASAKA

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—49.

MOTION

On motion of Senator Mardesich, the appointment of DON KAZAMA as a member of the Commission on Asian American Affairs was confirmed.

APPOINTMENT OF DON KAZAMA

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich,

Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—49.

MOTION

On motion of Senator Mardesich, the appointment of DR. HAE SOUNG KIM as a member of the Commission on Asian American Affairs was confirmed.

APPOINTMENT OF DR. HAE SOUNG KIM

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—49.

MOTION

On motion of Senator Mardesich, the appointment of JOAN SPARKS as a member of the Commission on Asian American Affairs was confirmed.

APPOINTMENT OF JOAN SPARKS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—49.

MOTION

On motion of Senator Mardesich, the appointment of RICHARD LEE as a member of the Commission on Asian American Affairs was confirmed.

APPOINTMENT OF RICHARD LEE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—49.

MOTION

On motion of Senator Mardesich, the appointment of MAKO NAKAGAWA as a member of the Commission on Asian American Affairs was confirmed.

APPOINTMENT OF MAKO NAKAGAWA

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—49.

MOTION

On motion of Senator Mardesich, the appointment of VINCENT BARRIOS as a member of the Commission on Asian American Affairs was confirmed.

APPOINTMENT OF VINCENT BARRIOS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—49.

MOTION

On motion of Senator Mardesich, the appointment of NAM HI KNOWLES as a member of the Commission on Asian American Affairs was confirmed.

APPOINTMENT OF NAM HI KNOWLES

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—49.

MOTION

On motion of Senator Mardesich, the appointment of ROY CORPUZ as a member of the Commission on Asian American Affairs was confirmed.

APPOINTMENT OF ROY CORPUZ

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—49.

MOTION

On motion of Senator Mardesich, the appointment of DR. JAMES WATANABE as a member of the Commission on Asian American Affairs was confirmed.

APPOINTMENT OF DR. JAMES WATANABE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—49.

MOTION

On motion of Senator Mardesich, the appointment of BEN WOO as a member of the Commission on Asian American Affairs was confirmed.

APPOINTMENT OF BEN WOO

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—49.

MOTION

On motion of Senator Mardesich, the appointment of REVEREND BOB YAMASHITA as a member of the Commission on Asian American Affairs was confirmed.

APPOINTMENT OF REVEREND BOB YAMASHITA

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—49.

MOTION

On motion of Senator Mardesich, the appointment of DR. ISABELLA YEN as a member of the Commission on Asian American Affairs was confirmed.

APPOINTMENT OF DR. ISABELLA YEN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich,

Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—49.

MOTION

On motion of Senator Mardesich, the appointment of RUDOLFO CORTEZ as a member of the Mexican American Affairs Commission was confirmed.

APPOINTMENT OF RUDOLFO CORTEZ

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—49.

MOTION

On motion of Senator Mardesich, the appointment of EDDY ESPARZA as a member of the Mexican American Affairs Commission was confirmed.

APPOINTMENT OF EDDY ESPARZA

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—49.

MOTION

On motion of Senator Mardesich, the appointment of ROBERT GUADIANA as a member of the Mexican American Affairs Commission was confirmed.

APPOINTMENT OF ROBERT GUADIANA

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—49.

MOTION

On motion of Senator Mardesich, the appointment of ROD SANCHEZ as a member of the Mexican American Affairs Commission was confirmed.

APPOINTMENT OF ROD SANCHEZ

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—49.

MOTION

On motion of Senator Mardesich, the appointment of MRS. GUADALUPE ZUNIGA as a member of the Mexican American Affairs Commission was confirmed.

APPOINTMENT OF MRS. GUADALUPE ZUNIGA

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—49.

MOTION

On motion of Senator Mardesich, the appointment of MAX PEREZ as a member of the Mexican American Affairs Commission was confirmed.

APPOINTMENT OF MAX PEREZ

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—49.

MOTION

On motion of Senator Mardesich, the appointment of ADAN FARIAS TIJERINA as a member of the Mexican American Affairs Commission was confirmed.

APPOINTMENT OF ADAN FARIAS TIJERINA

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—49.

MOTION

On motion of Senator Mardesich, the appointment of MARGARET ZAMUDIO as a member of the Mexican American Affairs Commission was confirmed.

APPOINTMENT OF MARGARET ZAMUDIO

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—49.

MOTION

On motion of Senator Mardesich, the appointment of DR. ZENAIDO CAMACHO as a member of the Mexican American Affairs Commission was confirmed.

APPOINTMENT OF DR. ZENAIDO CAMACHO

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—49.

MOTION

On motion of Senator Mardesich, the appointment of KEO J. CAPESTANY as a member of the Mexican American Affairs Commission was confirmed.

APPOINTMENT OF KEO J. CAPESTANY

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—49.

MOTION

On motion of Senator Mardesich, the appointment of THOMAS CERNA, JR. as a member of the Mexican American Affairs Commission was confirmed.

APPOINTMENT OF THOMAS CERNA, JR.

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich,

Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—49.

MOTION

On motion of Senator Mardesich, the appointment of HENRY V. CHARNELL, JR. as a member of the Board of Trustees of Community College District Number One, Peninsula Community College, was confirmed.

APPOINTMENT OF HENRY V. CHARNELL, JR.

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—49.

MOTION

On motion of Senator Mardesich, the appointment of EDWIN VAN SYCKLE as a member of the Board of Trustees of Community College District Number Two, Grays Harbor Community College, was confirmed.

APPOINTMENT OF EDWIN VAN SYCKLE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—49.

MOTION

On motion of Senator Mardesich, the appointment of WILLIAM H. LAWRENCE, Ph.D. as a member of the Board of Trustees of Community College District Number Twelve, Centralia Community College, was confirmed.

APPOINTMENT OF WILLIAM H. LAWRENCE, Ph.D.

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—49.

MOTION

On motion of Senator Mardesich, the appointment of ELIZABETH DOUMIT as a member of the Board of Trustees of Community College District Number Thirteen, Lower Columbia Community College, was confirmed.

APPOINTMENT OF ELIZABETH DOUMIT

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—49.

MOTION

On motion of Senator Mardesich, the appointment of STANLEY BRUNNER as a member of the Board of Trustees of Community College District Number Twenty-one, Whatcom Community College, was confirmed.

APPOINTMENT OF STANLEY BRUNNER

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—49.

MOTION

On motion of Senator Mardesich, the appointment of GILBERT HIRABAYASHI as a member of the Commission on Asian American Affairs was confirmed.

APPOINTMENT OF GILBERT HIRABAYASHI

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—49.

MOTION

On motion of Senator Mardesich, the appointment of DAVID STRONG as a member of the Board of Trustees of Community College District Number Four, Skagit Valley Community College, was confirmed.

APPOINTMENT OF DAVID STRONG

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—49.

MOTION

On motion of Senator Mardesich, the appointment of ALICE BROOKS as a member of the Board of Trustees of Community College District Number Four, Skagit Valley Community College, was confirmed.

APPOINTMENT OF ALICE BROOKS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—49.

MOTION

On motion of Senator Mardesich, the appointment of ROBERT G. LEONARD as a member of the Board of Trustees of Community College District Number Seven, Shoreline Community College, was confirmed.

APPOINTMENT OF ROBERT G. LEONARD

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—49.

MOTION

On motion of Senator Mardesich, the appointment of DELORES TEUTSCH as a member of the Board of Trustees of Community College District Number Eight, Bellevue Community College, was confirmed.

APPOINTMENT OF DELORES TEUTSCH

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—49.

MOTION

On motion of Senator Mardesich, the appointment of WILLIAM F. KENNELLY as a member of the Board of Trustees of Community College District Number Ten, Green River Community College, was confirmed.

APPOINTMENT OF WILLIAM F. KENNELLY

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—49.

MOTION

On motion of Senator Mardesich, the appointment of RONALD KEIL as a member of the Board of Trustees of Community College District Number Fourteen, Clark Community College, was confirmed.

APPOINTMENT OF RONALD KEIL

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—49.

MOTION

On motion of Senator Mardesich, the appointment of DIANNE E. FRICHTL as a member of the Board of Trustees of Community College District Number Fourteen, Clark Community College, was confirmed.

APPOINTMENT OF DIANNE E. FRICHTL

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—49.

MOTION

On motion of Senator Mardesich, the appointment of MELVIN G. HAMMER as a member of the Board of Trustees of Community College District No. 15, Wenatchee Valley Community College, was confirmed.

APPOINTMENT OF MELVIN G. HAMMER

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—49.

MOTION

On motion of Senator Mardesich, the appointment of ELLEN SAX as a member of the Board of Trustees of Community College District Number Seventeen, Spokane Community College, was confirmed.

APPOINTMENT OF ELLEN SAX

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—49.

MOTION

On motion of Senator Mardesich, the appointment of DEAN JUDD as a member of the Board of Trustees of Community College District No. 18, Big Bend Community College, was confirmed.

APPOINTMENT OF DEAN JUDD

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—49.

MOTION

On motion of Senator Mardesich, the appointment of GARY BERGEVIN as a member of the Board of Trustees of Community College District Number Twenty, Walla Walla Community College, was confirmed.

APPOINTMENT OF GARY BERGEVIN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—49.

MOTION

On motion of Senator Mardesich, the appointment of ELLEN PINTO as a member of the Board of Trustees of Community College District Number Twenty-two, Tacoma Community College, was confirmed.

APPOINTMENT OF ELLEN PINTO

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—49.

MOTION

On motion of Senator Sandison, the appointment of ROBERT F. PHILIP as a member of the University of Washington Board of Regents was confirmed.

APPOINTMENT OF ROBERT F. PHILIP

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—49.

MOTIONS

On motion of Senator Mardesich, House Bill No. 100 was ordered placed at the end of today's second reading calendar.

On motion of Senator Mardesich, the Senate returned to the sixth order of business.

On motion of Senator Lewis (R. H. "Bob"), Senator Morrison was excused.

SECOND READING

SENATE BILL NO. 2206, by Senators Day, von Reichbauer, McDermott and Guess:

Requiring the superintendent of Interlake school to be a physician.

The bill was read the second time by sections.

Senator Newschwander moved adoption of the following amendment:

On page 1, section 1, line 7, strike "shall" and insert "may".

Debate ensued.

The motion by Senator Newschwander failed and the amendment was not adopted.

On motion of Senator Day, the rules were suspended, Senate Bill No. 2206 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. 2206, and the bill passed the Senate by the following vote: Yeas, 43; nays, 4; absent or not voting, 1; excused, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—43.

Voting nay: Senators Bluechel, Lewis (Harry), Newschwander, Van Hollebeke—4.

Absent or not voting: Senator Murray—1.

Excused: Senator Morrison—1.

SENATE BILL NO. 2206, having received the 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 Mardesich: "I ordinarily would not rise to do this, but I feel it is necessary to protect the interests of every member of the Senate. It seems to me that the speech that Senator McDermott gave sounded very much like an announcement speech. I wondered if he has considered all the provisions of Initiative 276 prior to making that speech."

Senator McDermott: "I am familiar with Initiative 276."

EXPLANATION OF FAILURE TO VOTE

SENATE JOINT RESOLUTION NO. 110

February 13, 1975

Be it known that Senator Nancy Buffington elicited an excused absence for the Senate vote on Senate Joint Resolution No. 110, February 13, 1975.

Reason for the excused absence resulted in a short conference with Honorable Daniel J. Evans, Governor of the State of Washington. While awaiting the roll call on Senate Joint Resolution No. 110, it became imminent after delaying the Governor for some five minutes, that further discussion would ensue regarding Senate Joint Resolution No. 110. Thus, while honestly intending to return to the floor for the vote, it was to no avail.

For all intents and purposes, as a signed sponsor for Senate Joint Resolution No. 110, my vote would have been "aye".

(Signed) SENATOR NANCY BUFFINGTON.

MOTION

On motion of Senator Lewis (R. H. "Bob"), Senator Murray was excused.

SECOND READING

SENATE BILL NO. 2250, by Senators Francis and Clarke:

Making state laws and rules and regulations presently applicable to cities of 500,000 or more applicable to cities of 400,000 or more.

The bill was read the second time by sections.

Senator Newschwander moved adoption of the following amendment:

On page 5, strike all of section 7.

Re-number the remaining section consecutively.

Debate ensued.

The motion by Senator Newschwander carried and the amendment was adopted.

On motion of Senator Newschwander, the following amendment to the title was adopted:

On page 1, line 10 of the title, after "RCW" and before the period strike "; and declaring an emergency".

On motion of Senator Clarke, Engrossed Senate Bill No. 2250 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Wilson: "Would Senator Clarke yield to a question? This bill changes nothing in cities of populations under four hundred thousand?"

Senator Clarke: "No, Senator, it is quite certain, actually, that it applies only to the City of Seattle."

POINT OF INQUIRY

Senator Rasmussen: "Will Senator Clarke yield to a question? Senator Clarke, could you tell us, are they turning the lights out one by one or in groups?"

Senator Clarke: "Well, when we get down below five hundred thousand we will start turning them out one by one."

Senator Rasmussen: "And the second question, Senator Clarke, is this out-migration caused by Spellman's domed or undomed stadium?"

Senator Clarke: "One thing that is holding it down is some dragging of the feet in certain instances with respect to a little thing called I-90."

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2250, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—48.

Excused: Senator Murray—1.

ENGROSSED SENATE BILL NO. 2250, having received the 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. 2116, by Senators Newschwander, Washington and von Reichbauer:

Providing for recovery of certain leave benefits upon returning to employment with school districts.

REPORT OF STANDING COMMITTEE

February 4, 1975.

SENATE BILL NO. 2116, providing for recovery of certain leave benefits upon returning to employment with school districts (reported by Committee on Education):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, line 26, strike "(3)" and insert "(g)".

On page 2, line 28, before "When" insert "(3)".

Signed by: Senators Stortini, Chairman; Gould, McDermott, Murray, Newschwander, von Reichbauer.

The bill was read the second time by sections.

On motion of Senator Stortini, the committee amendments were considered and adopted simultaneously.

On motion of Senator Stortini, the rules were suspended, Engrossed Senate Bill No. 2116 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 Grant: "Would Senator Newschwander yield to a question? Senator Newschwander, I am not clear. Does this provision also apply to classified employees in school districts as well as certificated employees?"

Senator Newschwander: "No, sir."

POINT OF INQUIRY

Senator Rasmussen: "Would Senator Newschwander yield? It is not clear to me in paragraph 8, Senator, 'leave accumulated by a person in the district prior to leaving said district'. Now it does not say for what reason they leave. Is it possible for a person to quit and then come back and then be credited?"

Senator Newschwander: "Most people quit when they take a few years off. They do not sign a contract. They can leave for any reason, but when they do come back, if they come back, then they would still be credited with the sick leave they did not take."

Senator Rasmussen: "That is a rather unusual provision in most labor contracts. Your purpose is very commendable, but I am not so sure that that is what you. . . ."

Senator Newschwander: "Most districts do reinstate it and some of them are negotiated and some of the boards just automatically do it. There are just a few boards that do not do it."

Senator Rasmussen: "I can understand when they leave temporarily on a leave granted, but when they quit, usually when you come back you have to earn that leave again in any labor force that I know of, so. . . ."

Senator Newschwander: "You run into another problem then in that you are going to have people that know they are leaving at the end of the school year and they have ten or twelve days coming; they are going to take those ten or twelve days if they know they are not going to get it if they come back in a few years."

MOTIONS

Senator Grant moved that Engrossed Senate Bill No. 2116 be placed on the third reading calendar for Monday immediately following consideration of House Bill No. 100.

Debate ensued.

The motion by Senator Grant carried on a rising vote. Engrossed Senate Bill No. 2116 was placed on the third reading calendar for Monday, February 17, 1975 immediately following House Bill No. 100.

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

On motion of Senator Fleming, permission was granted by the Senate for use of the Senate Chamber on Tuesday, February 25, 1975 for a public hearing on Land Use Planning beginning at 7:30 p.m.

On motion of Senator Mardesich, Senate Resolution 1975-13, regarding Medal of Honor Grove, was referred to the Committee on Rules.

At 12:30 p.m., on motion of Senator Mardesich, the Senate adjourned until 12:30 p.m., Monday, February 17, 1975.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

THIRTY-SIXTH DAY**AFTERNOON SESSION**

Senate Chamber, Olympia, Monday, February 17, 1974.

The Senate was called to order at 12:30 p.m. by President Pro Tempore Henry. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Day, Donohue, Herr, Sellar and Walgren. On motion of Senator Knoblauch, Senator Herr was excused. There being no objection, Senators Day, Donohue and Walgren were excused. On motion of Senator Lewis (R. H. "Bob"), Senator Sellar was excused.

The Color Guard, consisting of Pages Julie Greco and Tom Francis, presented the Colors. Reverend Wallace F. Misterek of Trinity Lutheran Church of Olympia, offered the following prayer:

"GREAT GOD, LORD OF THE UNIVERSE, PROTECTOR OF THIS PLANET, WATCHMAN OF THE WORLD, GUARDIAN OF THIS NATION AND KEEPER OF THIS COMMONWEALTH, ON THIS PRESIDENT'S DAY, WE ACKNOWLEDGE THE GIFT OF STRONG AND CAPABLE LEADERSHIP WHICH YOU HAVE MADE POSSIBLE FOR US. WE THANK YOU FOR THOSE LEADERS AND CELEBRATE OUR PRIVILEGE OF HAVING BEEN THUS LED. WE THANK YOU FOR A LAND WITH DEMOCRATIC PRINCIPLES AND HIGH IDEALS. HELP THE MEN AND WOMEN OF THIS BODY MAKE DECISIONS THAT DO NOT FORGET THESE PRINCIPLES AND IDEALS: BUT HELP THEM ALSO TO REMEMBER THAT THEIR PRIMARY FUNCTION IN THIS ASSEMBLY AS IN ALL OF LIFE IS TO SERVE PEOPLE. WE RECOGNIZE THAT WE ARE BLEMISHED WITH IMPERFECTION: PLAGUED WITH SHORTSIGHTED VISION AND TOO EASILY TEMPTED TO SEEK FAME AND SERVE SELF. WE PRAY FORGIVENESS FOR EVERY ACT OF OURS WHICH HOLDS BACK THE FULFILLMENT OF OUR FOUNDERS' DREAMS. WE PRAY FORGIVENESS FOR OUR SOMETIMES RIGID DEFENSE OF LIMITED UNDERSTANDING AND FOR THE SELFISHNESS WHICH ON OCCASION SLOWS THE PACE OF JUSTICE. WE PRAY FOR THE MEN AND WOMEN OF THIS LEGISLATIVE BODY, TOUGH MINDS, OPEN HEARTS AND STRONG WILLS FOR THEIR APPOINTED TASKS SO THEY MAY NOT ONLY PRESERVE BUT ENHANCE AND EXTEND THE HERITAGE RECEIVED. IN CHRIST'S NAME. AMEN."

MOTION

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

APPOINTMENT OF SPECIAL COMMITTEE

President Pro Tempore Henry announced the presence in the office of the Lieutenant Governor, His Eminence Timothy Cardinal Manning and other guests and appointed Senators Cunningham, Mardesich, Grant and North to escort the honored guests to the Senate rostrum.

REMARKS BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "Ladies and gentlemen of the Senate, it is my pleasure today to introduce some very distinguished guests. We have our Speaker Pro Temp of the House, John O'Brien; Father Treacy, who has been here with us many times be-

fore; the the Acting Governor of the State of Washington, John Cherberg; we have the assistant chaplain of Fort Lewis Renard Beaver; we have with us the Reverend Monsignor Clement Connolly of the Los Angeles Chancery; and our special guest today was born in County Cork, Ireland in 1909. He arrived in the United States in 1928. He studied for the priesthood in California, obtained his priesthood in June of 1934, pursued his graduate studies in Rome. He was consecrated the Auxiliary Bishop of Los Angeles on the 15th of October, 1946, appointed the Bishop of Fresno in October of '67, became the Archbishop of Los Angeles the 21st of January of 1970. He was elevated to the College of Cardinals and made Prince of the Church by His Holiness Pope Paul VI on the 5th of March, 1973. May I present to you His Eminence Timothy Cardinal Manning, Archbishop of Los Angeles. Cardinal Manning."

REMARKS BY CARDINAL MANNING

Cardinal Manning: "Just a few weeks ago I was officiating at a church in Los Angeles and I had all my ecclesiastical robes on me, and as I was coming out there was a little youngster with his mother and when he saw me his eyes widened and he looked up at me and he said, 'Are you real?' I said, 'Yes, do you want to come over and pinch me?' And he did to be sure that I was real. I think that being a cardinal is probably one of the strange things one has to explain in the world today. There are ten of us in captivity in the United States, two on the west coast here and one in Chicago, St. Louis, Detroit, and the rest are on the east coast. And our position really boils down to a Senate of advisors to the Pope in the government of the Church and also the privilege of electing the successor to the Pope when he dies or resigns. I have not had that experience yet.

"We are very, very honored to have this opportunity of being in your presence today. In a long public life I have had many, many experiences in various parts of the world but this is the first time that I have ever had the joy and the privilege of appearing before a legislative body and we are grateful to those who arranged this and invited us, and we look with tremendous reverence on a body such as yours. I think that more and more in our country we must restore again the ancient and abiding respect which we have for the law and for its makers and for those who put it into execution, because there is a sanctity that no theory of church and separation of church and state can separate the reverence and the awe that must surround a legislator and the commitment which he has to follow justice and follow truth in the interests of peace. So that it is with a great sense of respect that I stand here before you and ask Almighty God, our Heavenly Father, to bless you and to guide you in all your judgments. Thank you."

The committee of honor escorted the distinguished guests to the office of the Lieutenant Governor and the committee was discharged.

REPORTS OF STANDING COMMITTEES

February 17, 1975.

SENATE BILL NO. 2048, revising boating laws (reported by Committee on Parks and Recreation):

MAJORITY recommendation: That Second Substitute Senate Bill 2048 be substituted therefor and the second substitute bill do pass.

Signed by: Senators Knoblauch, Chairman; Bailey, Gould, Wanamaker.

Passed to Committee on Rules for second reading.

February 14, 1975.

SENATE BILL NO. 2190, exempting bicentennial medals from sales and use taxes (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass. Signed by: Senators Donohue, Chairman; Odegard, Vice Chairman; Wilson, 2nd Vice Chairman; Bailey, Jones, Lewis (Harry), Marsh, Murray, Newschwander, Rasmussen, Scott, Washington.

Passed to Committee on Rules for second reading.

February 14, 1975.

SENATE BILL NO. 2205, permitting service of traffic citations for offenses not witnessed by citing officer (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Francis, Chairman; Buffington, Clarke, Fleming, Jones, Marsh, Scott, Van Hollebeke, Woody.

Passed to Committee on Rules for second reading.

February 14, 1975.

SENATE BILL NO. 2226, requiring state to pay costs and fees of indigent appeals (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Francis, Chairman; Buffington, Fleming, Jones, Scott, Van Hollebeke, Woody.

Passed to Committee on Rules for second reading.

February 14, 1975.

SENATE BILL NO. 2227, authorizing acquisition of surplus-EXPO facilities for Walla Walla Community College (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended by Committee on Higher Education.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Wilson, 2nd Vice Chairman; Bailey, Jones, Lewis (Harry), Marsh, Murray, Newschwander, Rasmussen, Scott, Washington.

Passed to Committee on Rules for second reading.

February 14, 1975.

SENATE BILL NO. 2233, amending laws relating to dissolution of marriage (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Francis, Chairman; Bottiger, Buffington, Clarke, Fleming, Jones, Marsh, Scott, Van Hollebeke, Woody.

Passed to Committee on Rules for second reading.

February 14, 1975.

SENATE BILL NO. 2271, authorizing increased state matching funds for school construction (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Wilson, 2nd Vice Chairman; Bailey, Jones, Lewis (Harry), Marsh, Murray, Newschwander, Rasmussen, Scott.

Passed to Committee on Rules for second reading.

February 14, 1975.

SENATE BILL NO. 2276, providing allocation of revenue from test fishing operations (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Wilson, 2nd Vice Chairman; Bailey, Jones, Lewis (Harry), Marsh, Murray, Newschwander, Rasmussen.

Passed to Committee on Rules for second reading.

February 12, 1975.

SENATE BILL NO. 2331, granting certain powers to metropolitan municipal corporations authorized to perform water pollution abatement (reported by Committee on Ecology):

Recommendation: Do pass.

Signed by: Senators Washington, Chairman; Donohue, Goltz, Guess, Murray, North, Sandison.

Passed to Committee on Rules for second reading.

February 14, 1975

SENATE BILL NO. 2334, amending the laws relating to corporations (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Francis, Chairman; Buffington, Clarke, Fleming, Jones, Marsh, Scott, Woody.

Passed to Committee on Rules for second reading.

February 14, 1975.

SENATE BILL NO. 2359, designating membership of state committee on salaries, its duties, and fixing maximum salaries of certain appointees and statutory assistant directors (reported by Committee on State Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Rasmussen, Chairman; Buffington, Day, Henry, Knoblauch, Wanamaker.

Passed to Committee on Rules for second reading.

February 14, 1975.

SENATE BILL NO. 2397, permitting credit card purchases of liquor at state liquor stores (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Rasmussen, Chairman; Buffington, Henry, Knoblauch, Wanamaker.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE HOUSE

February 14, 1975.

Mr. President: The House has passed: ENGROSSED SENATE BILL NO. 2011, and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

February 14, 1975.

Mr. President: The House has passed:

SUBSTITUTE HOUSE BILL NO. 62,

HOUSE BILL NO. 162,

ENGROSSED HOUSE BILL NO. 187,

HOUSE BILL NO. 189,

ENGROSSED HOUSE BILL NO. 261,

HOUSE BILL NO. 264, and the same are herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 2011.

MOTION

On motion of Senator Mardesich, the Senate advanced to the sixth order of business.

SECOND READING

SENATE BILL NO. 2141, by Senators Marsh, Day and Newschwander:
Authorizing travel expenses for transporting blind and deaf youth during weekends and vacations.

REPORT OF STANDING COMMITTEE

January 30, 1975.

SENATE BILL NO. 2141, authorizing travel expenses for transporting blind and deaf youth during weekends and vacations (reported by Committee on Social and Health Services.

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 17, strike all of section 2

In line 2 of the title, after "72.40.090" strike "; and declaring an emergency"

Signed by: Senators Day, Chairman; Buffington, Cunningham, Goltz, Gould, McDermott, North, Pullen, Ridder, Van Hollebeke.

The bill was read the second time by sections.

On motion of Senator Marsh, the committee amendment was adopted.

On motion of Senator Marsh, the committee amendment to the title was adopted.

On motion of Senator Marsh the rules were suspended, Engrossed Senate Bill No. 2141 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. 2141, and the bill passed the Senate by the following vote: Yeas, 42; absent or not voting, 2; excused, 5.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Fleming, Francis, Goltz, Gould, Guess, Henry, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Stortini, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Wilson, Woody—42.

Absent or not voting: Senators Grant, Newschwander—2.

Excused: Senators Day, Donohue, Herr, Sellar, Walgren—5.

ENGROSSED SENATE BILL NO. 2141, having received the 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. 2105, by Senators Guess, Walgren, Henry and Washington:
Enacting the uniform vehicle code.

REPORT OF STANDING COMMITTEE

February 4, 1975.

SENATE BILL NO. 2105, enacting the uniform vehicle code (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass with the following amendment:

On page 21, line 15, after "school" and before "playground" strike "or" and insert "*speed limit signs or standard*".

Signed by: Senators Walgren, Chairman; Beck, Bottiger, Guess, Jolly, Knoblauch, Morrison, Peterson, Wanamaker.

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. 2105 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Woody: "Would Senator Guess yield? Senator Guess, I was looking through this over the past several days and I have made several marks here and I understand that it is not proposed that there be any substantive changes in current law. Is that correct?"

Senator Guess: "That is correct."

Senator Woody: "If you would look at page 7 and explain this to me, Senator Guess. That relates to the hit and run and it adds 'or damage to other property' on line 21. The question that arises in my mind, is, who is the person supposed to give notice to as to damage other than to a vehicle?"

Senator Guess: "If it is at all possible, Senator, the man should, if he hits a house, for instance, he would not want to run off and leave the scene of the accident without informing the person who owns the house. If it is impossible for him to do so, then by writing a note to the individual and placing it on the property in a prominent place, I think it would serve the purpose."

Senator Woody: "The usual incidents that I have come across is hitting a power or telephone pole and there is a difference, of course, between power and telephone poles, and I always notify the wrong person on behalf of my clients. Who do you notify if you hit a telephone pole?"

Senator Guess: "When you file your accident report at the court house or at the city hall you can inform the proper authorities there and they will cooperate with you in finding the proper utility which to locate."

Senator Woody: "It is your statement then that it was the legislative intent of the Transportation Committee that the notification required be made within twenty-four hours to the police authority is sufficient notice?"

Senator Guess: "It is sufficient notice when you cannot locate the person whose property it is immediately."

Senator Woody: "As I understand it, Senator Guess, on page 25 of the bill, new section 44, we all understand what driving while under the influence is, but I understand that this new section does apply something of substantive nature, and I suppose this is a pedestrian under the influence."

Senator Guess: "Senator, would you give me that citation again?"

Senator Woody: "Page 25, starting line 32, which is new section 44. Basically, it is the intent that a pedestrian who is under the influence cannot use the road, and so that is what a pedestrian while under the influence."

Senator Guess: "That is correct."

Senator Woody: "I think Senator Mardesich raised this question before, on page 26, line 14, what is meant by a duly authorized temporary driveway?"

Senator Guess: "We have discussed this in committee and we learned that there are times during which construction is going on and a temporary driveway has to be created across the sidewalk, and this is a duly authorized temporary driveway when the building permit includes it, Senator. And you go down to the city hall to get a building permit to change your driveways or when the city is doing it, then they designate the temporary driveway and it is under this condition that we find the thing coming up."

Senator Woody: "Thank you, Senator Guess."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2105, and the bill passed the Senate by the following vote: Yeas, 43; absent or not voting, 1; excused, 5.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke,

Cunningham, Fleming, Francis, Goltz, Gould, Guess, Henry, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Stortini, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Wilson, Woody—43.

Absent or not voting: Senator Grant—1.

Excused: Senators Day, Donohue, Herr, Sellar, Walgren—5.

ENGROSSED SENATE BILL NO. 2105, having received the 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. 2266, by Senators Woody, Walgren and Bluechel:

Changing deadline date for stockholders meetings of banks.

The bill was read the second time by sections.

On motion of Senator Woody the rules were suspended, Senate Bill No. 2266 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. 2266, and the bill passed the Senate by the following vote: Yeas, 43; absent or not voting, 1; excused, 5.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Stortini, Talley, Van Hollebeke, Wanamaker, Washington, Wilson, Woody—43.

Absent or not voting: Senator von Reichbauer—1.

Excused: Senators Day, Donohue, Herr, Sellar, Walgren—5.

SENATE BILL NO. 2266, having received the 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, Senate Joint Memorial No. 105 was made a special order of business for 1:30 p.m. today.

On motion of Senator Mardesich, Senate Bill No. 2058 was ordered to hold its place on the second reading calendar for Wednesday, February 19, 1975.

SECOND READING

SENATE BILL NO. 2182, by Senator Woody:

Revising law on jury fees.

REPORT OF STANDING COMMITTEE

February 7, 1975.

SENATE BILL NO. 2182, revising law on jury fees (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 20, after "dollars." add a new subsection to read as follows:

"(4) For preparing an abstract of judgment or verdict and transmitting such ab-

stract to the clerk of any other court, and for preparing and transmitting a certification that the lien of the judgment has ceased, a total fee of four dollars, to be collected from the party requesting the abstract of judgment or verdict, at the time the abstract is requested."

Remember the following subsections accordingly.

On page 2, line 35, after "of" strike "two" and insert "[two] "three".

On page 3, line 9, after "court." add a new subsection to read as follows:

"(18) No fee shall be collected when a petition for relinquishment of parental rights is filed pursuant to RCW 26.36.010."

In line 1 of the title, after "to" and before "fees" strike "jury".

Signed by: Senators Francis, Chairman; Buffington, Clarke, Fleming, Jones, Marsh, Van Hollebeke.

The bill was read the second time by sections.

On motion of Senator Woody, the committee amendments to pages 1 and 2 were adopted.

On motion of Senator Francis, the committee amendment to page 3 was adopted.

On motion of Senator Francis, the committee amendment to the title was adopted.

On motion of Senator Francis, the rules were suspended, Engrossed Senate Bill No. 2182 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Woody: "Would Senator Francis yield? Senator Francis, for legislative intent purposes, it was the intent of the Judiciary Committee that the jury fee be not refundable in that this particular Senate Bill No. 2182 if enacted into law would supersede any current court rules. Is that correct?"

Senator Francis: "That is correct, Senator Woody, and I might add in further response to that that there have been proposals to raise the fee for demanding a jury to a very high figure in order to help pay for that, and we felt that it was a better way to go to try to keep the fee at the same level to reduce all the paper work involved in refunding the approximately four-fifths of all of the jury fees that are now filed in the state and just let them go ahead and make the people that actually demand a jury pay in that way for a little more of their share of the jury system, and we thought that it would be less of a deterrent and we thought that raising the fees would tend to take away the opportunity to have a jury and this way was a better way to go on that."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2182, and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Stortini, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Wilson, Woody—44.

Excused: Senators Day, Donohue, Herr, Sellar, Walgren—5.

ENGROSSED SENATE BILL NO. 2182, having received the 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 Mardesich, Senate Bill No. 2268 was ordered to hold its place on the second reading calendar for Tuesday, February 18, 1975.

SECOND READING

SENATE BILL NO. 2170, by Senators Francis, Keefe, Marsh and Walgren:

Deleting the taking of a horse, team or automobile without authority from crime of destruction of property.

REPORT OF STANDING COMMITTEE

February 7, 1975.

SENATE BILL NO. 2170, deleting the taking of a horse, team or automobile without authority from crime of destruction of property (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 30, after "(8)" strike all material through page 2, line 4 and insert "Untie, unfasten, or liberate, without authority, the horse or team of another; or lead, ride, or drive away, without authority, the horse [,] or team [,] automobile or other vehicle of another] from the place where left by the owner or person in charge thereof; or "

Signed by: Senators Buffington, Clarke, Fleming, Jones, Marsh, Scott, Van Hollebeke.

The bill was read the second time by sections.

On motion of Senator Francis, the committee amendment was adopted.

On motion of Senator Keefe, the following amendment was adopted:

On page 2, following line 35 add the following new section:

"NEW SECTION. Sec. 2. This 1975 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 Keefe, the following amendment to the title was adopted:

On page 1, line 3 of the title, after "RCW 9.61.040" and before the period insert "; and declaring an emergency".

On motion of Senator Francis, the rules were suspended, Engrossed Senate Bill No. 2170 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Bottiger: "Would Senator Francis yield to a question? Senator Francis, so that we do not do the same thing to the horse rustling statute that the courts have interpreted we did to the car thieving statute, I understand it is two separate crimes; one, to steal a horse not covered by this section, but this statute is restricted to untying and shoeing away the horse or a team of another and it would be a lesser crime than horse stealing or rustling. Is that correct?"

Senator Francis: "Senator Bottiger, I do not know about that. We had not addressed ourselves to it and we did not have the information before us in the committee. This is the reason that we left this statute intact, because we had not known of any problems. I would say that it was certainly the intent of the committee that we not have two statutes, one a felony and one a misdemeanor, with regard to horses. And it was the intent of the committee that this one only deal with what you have described."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2170, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—46.

Excused: Senators Day, Herr, Sellar—3.

ENGROSSED SENATE BILL NO. 2170, having received the 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. 2107, by Senators North and Francis:

Establishing interest rate for tort judgments against governmental agencies.

The bill was read the second time by sections.

On motion of Senator North the rules were suspended, Senate Bill No. 2107 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. 2107, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—46.

Excused: Senators Day, Herr, Sellar—3.

SENATE BILL NO. 2107, having received the 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. 2035, by Senator Guess:

Authorizing library trustees to provide library services to Indian tribes.

REPORT OF STANDING COMMITTEE

February 5, 1975.

SENATE BILL NO. 2035, authorizing library trustees to provide library services to Indian tribes (reported by Committee on Higher Education):

Recommendation: Do pass with the following amendment:

In section 1, line 12, following "tribes" strike the remainder of the paragraph and insert "recognized as such by the federal government or to supplement any existing library services of such an Indian tribe. The power granted by this section shall extend beyond the geographic limits of the library district and the county or counties in which the district is located."

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Guess, Odegaard, Scott.

The bill was read the second time by sections.

On motion of Senator Sandison, the committee amendment was adopted.

On motion of Senator Guess the rules were suspended, Engrossed Senate Bill No. 2035 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. 2035, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Mat-

son, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—46.

Excused: Senators Day, Herr, Sellar—3.

ENGROSSED SENATE BILL NO. 2035, having received the 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 SECOND READING

SENATE JOINT MEMORIAL NO. 105, by Senators Bottiger, Morrison, Wanamaker, Beck and Walgren:

Requesting aid to states for highway maintenance and construction.

The time having arrived, the Senate commenced consideration of Senate Joint Memorial No. 105.

REPORT OF STANDING COMMITTEE

February 6, 1975.

SENATE JOINT MEMORIAL NO. 105, requesting aid to states for highway maintenance and construction (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 30 after the semicolon insert "and provide additional federal funds in lieu of said state matching requirement;"

Signed by: Senators Walgren, Chairman; Henry, Vice Chairman; Beck, Benitz, Bottiger, Jolly, Knoblauch, Morrison, Wanamaker.

The memorial was read the second time in full.

On motion of Senator Bottiger, the committee amendment was adopted.

On motion of Senator Bottiger, the following amendment by Senators Bottiger and Guess was adopted:

On page 1, line 25, insert the following:

"WHEREAS, The courts have in the immediate past released a rather substantial amount of funds which were heretofore impounded; and

"WHEREAS, The states are hard pressed to meet current allocated funds and they will have greater difficulty in matching the released funds; and".

On motion of Senator Bottiger the rules were suspended, Engrossed Senate Joint Memorial No. 105 was advanced to third reading, the second reading considered the third, and the memorial was placed on final passage.

Debate ensued.

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, 46; excused, 3.

voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—46.

Excused: Senators Day, Herr, Sellar—3.

ENGROSSED SENATE JOINT MEMORIAL NO. 105, having received the constitutional majority, was declared passed.

SECOND READING

SENATE BILL NO. 2167, by Senators Ridder, Van Hollebeke and Stortini:
Repealing the Fair Trade Act.

The bill was read the second time by sections.

On motion of Senator Ridder the rules were suspended, Senate Bill No. 2167 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. 2167, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—46.

Excused: Senators Day, Herr, Sellar—3.

SENATE BILL NO. 2167, having received the 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 Mardesich, Senate Bill No. 2028 was ordered to hold its place on the second reading calendar for Tuesday, February 18, 1975.

On motion of Senator Knoblauch, Senator Ridder was excused.

SECOND READING

SENATE BILL NO. 2215, by Senator Bottiger:

Changing mileage rate for members of county road administration boards and urban arterial boards.

REPORT OF STANDING COMMITTEE

January 10, 1975.

SENATE BILL NO. 2215, changing mileage rate for members of county road administration boards and urban arterial boards (reported by Committee on Local Government):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 16, after "43.03.060" and before the period insert "*or actual necessary transportation expenses*"

Signed by: Senators Fleming, Chairman; Jolly, Lewis (R. H. "Bob"), McDermott, North, Talley, Wilson.

The bill was read the second time by sections.

On motion of Senator Bottiger, the committee amendment was adopted.

On motion of Senator Bottiger the rules were suspended, Engrossed Senate Bill No. 2215 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. 2215 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke,

Cunningham, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Sandison, Scott, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—45.

Excused: Senators Day, Herr, Ridder, Seller—4.

ENGROSSED SENATE BILL NO. 2215, having received the 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. 2088, by Senators Talley and Peterson:

Requiring license for smelt dealers.

On motion of Senator Peterson, Substitute Senate Bill No. 2088 was substituted for Senate Bill No. 2088 and the substitute bill was placed on second reading and read the second time in full.

Senator Marsh moved adoption of the following amendment:

On page 2, lines 6 and 7, after "RCW 75.28.085" and before the period strike "or owners licensed pursuant to RCW 75.28.095".

Debate ensued.

Following remarks by Senator Talley, Senator Talley moved that the amendment by Senator Marsh be laid upon the table.

POINT OF ORDER

Senator Marsh: "Mr. President, he cannot do that after making a speech."

RULING BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "Your point of order is well taken."

POINT OF ORDER

Senator Marsh: "There has been no intervening business."

RULING BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "Your point is well taken."

POINT OF INQUIRY

Senator Bailey: "Senator Marsh, have you taken this up at all to discover what effect it would have on anyone—who it would affect?"

Senator Marsh: "Yes, Senator Bailey, I very carefully checked the statute and I found that there is only a fifty dollar charter boat license fee charged now and it seemed to me that to require them to pay an additional ten dollar smelt license would not be onerous. Furthermore, as Senator Talley says, this affects very few people because this is only the Columbia River and he says not too many people come up the Columbia River. Now if that is a fact then there is really no problem and I really think it is a good amendment and ought to be adopted and I think they can afford to pay the ten dollars in the commercial business of charter boat operating."

Senator Bailey: "Mr. President, I more or less agree with Senator Marsh except I think we should know what we are doing rather than guess at what we are doing; and I would really think that the charter boats in my area would not bother to go up the Columbia River to fish for smelt because it would be cheaper for you, instead of paying twenty dollars to fish for smelt, to go down there and put a net off the bank yourself. But I would like to really know the financial impact of this and the implications that I have or some other group of which I do not know and, as I say I do not think it bothers my people at all, but I just do not think we ought to vote on these things unless they have been looked into. That is the problem."

Debate ensued.

MOTION

Senator Talley moved that the amendment by Senator Marsh be laid upon the table.

POINT OF ORDER

Senator Marsh: "I raise the point of order. I did not hear anyone make a motion to table before making a speech and I think a speech was made, then the motion was made, and I insist on the point of order."

RULING BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "You can insist, Senator, but you are out of order. Senator Talley's motion prevails."

President Pro Tempore Henry declared the question before the Senate to be the motion by Senator Talley that the amendment by Senator Marsh be laid upon the table.

The motion by Senator Talley carried on a rising vote and the amendment by Senator Marsh was laid upon the table.

Senator Marsh moved adoption of the following amendment:

On page 2, line 30, following section 4, add a new section to read as follows:

"*NEW SECTION.* Sec. 5. (1) Every person who shall unlawfully harvest food fish or shellfish from the waters of the state of Washington and who has disposed of such food fish or shell fish prior to apprehension for such unlawful harvest shall be liable to the state in treble the value of the food fish or shellfish so harvested together with all court costs for such recovery, to be recovered in a civil action by the department of fisheries, and shall forfeit to the state all interest in any fishery product produced by said food fish or shellfish.

(2) In a civil action brought pursuant to subsection (1) of this section, proof that food fish or shellfish were taken unlawfully shall constitute prima facie evidence that the entire catch of which the unlawfully taken fish were a part was unlawfully taken and therefore subject the entire value of such catch to the treble damage provision."

Debate ensued.

The motion by Senator Marsh failed and the amendment was not adopted.

On motion of Senator Peterson, Substitute Senate Bill No. 2085 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Bottiger: "I wonder if Senator Peterson would yield to a question? Senator Peterson, the question that Senator Marsh brought up about the charter boat operators. Does this bill provide that if I have a charter boat license that I automatically then have a smelt license?"

Senator Peterson: "I think Senator Talley could probably address himself to that better than I could. The way I interpreted the bill it was strictly a problem that he has encountered on the Columbia River in his district and I do not think that the charter boat issue was even considered to be a problem."

Senator Talley: "Senator Bottiger, I do not think it does involve—there was no testimony to that effect at all. It provides for a two hundred dollar license for a man and his boat and a ten dollar license for anybody that helps him on that boat or dips smelt from the bank or the boat."

Senator Bottiger: "Senator Talley, Senator Marsh brought this matter up with his first amendment where he seeks to strike the reference to charter boat operators and he has given me here a xerox of the statute that says that you can get a charter boat license for fifty dollars. Now in the bill that we have before us it would appear that if you have one of those licenses you do not need a smelt license."

Senator Talley: "If you have a commercial license you still have to have a smelt license. That is in addition to any other fish license you have."

Senator Bottiger: "I am referring to page 2, line 6 and 7, which Senator Marsh has me convinced that that is not the case the way the bill is drafted."

Senator Talley: "I do not think so but if it is wrong we will research it and the House can correct it and we will be very glad to go along with it."

MOTION

On motion of Senator Bottiger, Substitute Senate Bill No. 2088 was ordered placed on the third reading calendar for Tuesday, February 18, 1975.

SECOND READING

SENATE BILL NO. 2385, by Senators Rasmussen, Sandison and Peterson:

Making certain changes in the laws relating to the Yacolt burn.

The bill was read the second time by sections.

On motion of Senator Lewis (Harry), the following amendment by Senators Lewis (Harry) and Mardesich was adopted:

On page 1, line 9, after "located in" strike "this" and insert "[this] *the* and after "area" insert "*described in RCW 76.14.020*".

On motion of Senator Peterson, the rules were suspended, Engrossed Senate Bill No. 2385 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

MOTION

Senator Lewis (Harry) moved that Engrossed Senate Bill No. 2385 be placed at the end of the second reading calendar, on third reading, for further consideration today.

Senator Guess moved that the motion by Senator Lewis (Harry) be amended to place Engrossed Senate Bill No. 2385 at the end of today's third reading calendar.

Debate ensued.

The motion by Senator Lewis (Harry) carried. Engrossed Senate Bill No. 2385 was placed at the end of today's second reading calendar on third reading.

SECOND READING

SENATE BILL NO. 2203, by Senators Peterson, Rasmussen and Lewis (Harry):

Requiring revocation of hunting license on conviction for certain violations against the game code.

REPORT OF STANDING COMMITTEE

January 30, 1975.

SENATE BILL NO. 2203, requiring revocation of hunting license on conviction for certain violations against the game code (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass with the following amendments:

On line 10, after "caribou" and before "or" insert ", bear"

Signed by: Senators Peterson, Chairman; Beck, Bluechel, Grant, Pullen, Rasmussen, Sandison.

The bill was read the second time by sections.

On motion of Senator Peterson, the committee amendment was adopted.

Senator Pullen moved adoption of the following amendment:

On page 1, line 9, after "antelope," and before "mountain goat" insert "cougar,"

POINT OF INQUIRY

Senator Woody: "Would Senator Peterson yield? I do not recall, Senator, one way or the other. Is there a season on cougars right now?"

Senator Peterson: "Yes, there is now. There did not use to be."

Senator Woody: "Is it an endangered species, by chance?"

Senator Peterson: "It is not endangered yet. It is still on season."

Senator Woody: "Was there any discussion in committee about the insertion of cougar?"

Senator Peterson: "No, actually, there was not. We felt that we pretty well included—this bill is not new to the Senate. We passed this bill through this body, I think, on two different occasions with the five year restriction on licenses and it went to the House and then in the House's judgment they sent it back in a modified form with a two year restriction, and really the amendments that are being proposed here today are just to broaden the scope to include more, in fact we think now, all of the big game species in the state."

Senator Woody: "From the testimony that you received in committee and as chairman, would you approve or disapprove of the insertion of cougar within this bill?"

Senator Peterson: "I have no personal objection to it. It was not brought up as a committee matter but I do not think that the committee would have objected to it had it been proposed in committee."

The motion by Senator Pullen carried and the amendment was adopted.

Senator Lewis (Harry) moved adoption of the following amendment by Senators Lewis (Harry) and Peterson:

Strike all material after line 5 and insert:

"In addition to any other penalties provided by law, the director shall revoke the hunting license of any person who is convicted of violating RCW 77.16.020 or 77.16.030 relating to elk, moose, antelope, mountain goat, mountain sheep, caribou, bear or deer. Forfeiture of bail on two occasions during any five-year period for violations of RCW 77.16.020 or RCW 77.16.030 shall constitute the basis for a revocation under this section.

No hunting license shall thereafter be reissued to such person for a period of two years from the date of revocation unless the commission, after a hearing held at one of its regular meetings, authorizes the issuance of such license. Any person who has had his license revoked or has been denied reissuance pursuant to this section may appeal such decision as provided in chapter 34.04 RCW."

On motion of Senator Lewis (Harry), the following amendment to the amendment by Senators Lewis (Harry) and Peterson was adopted:

In the first paragraph of the amendment after "moose," and before "antelope" insert "cougar,"

The motion by Senator Lewis (Harry) carried and the amendment, as amended, was adopted.

On motion of Senator Peterson, the rules were suspended, Engrossed Senate Bill No. 2203 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Woody: "Would Senator Peterson yield? I am looking at the amendatory language that was adopted by Senator Lewis's amendment which uses slightly different language, of course, but I am asking you basically, even under his language, if a person were to kill an elk, moose, antelope, basically the biggest problem is deer, let us say in some other state; Oregon, Montana, Idaho, during which period of time it is legal to kill there and are bringing it back, the entire carcass, to this state, they are in possession of deer, bear, sheep, whatever it might be. I know there has been a question raised in the past as to whether or not they would be in violation of any of our current game laws. Would you be able to establish legislative intent on that?"

Senator Peterson: "I can respond by saying that this has been considered before and if, for instance, you killed an antelope or a moose or whatever in Idaho and brought it back into this state, if you have the Idaho tag on it and the Idaho license it was necessary to procure that game under, there is nothing in the state statutes, there is nothing in this act intended that you should be held liable."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2203, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Sandison, Scott, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—45.

Excused: Senators Day, Herr, Ridder, Sellar—4.

ENGROSSED SENATE BILL NO. 2203, having received the 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 Mardesich, the Senate returned to the fifth order of business.

INTRODUCTION AND FIRST READING

SENATE BILL NO. 2515, by Senator Francis:

An Act relating to district courts.

Referred to Judiciary Committee.

SENATE BILL NO. 2516, by Senator Francis:

An Act relating to judicial salaries.

Referred to Judiciary Committee.

SENATE BILL NO. 2517, by Senators Sandison, Guess, Goltz and Benitz:

An Act relating to higher education.

Referred to Committee on Higher Education.

SENATE BILL NO. 2518, by Senators Sandison, Guess, Goltz and Benitz:

An Act relating to student financial aid.

Referred to Committee on Higher Education.

SENATE BILL NO. 2519, by Senators Goltz, Guess and Benitz:

An Act relating to the council on higher education.

Referred to Committee on Higher Education.

SENATE BILL NO. 2520, by Senators Sandison, Guess, Benitz and Goltz:

An Act relating to community colleges.

Referred to Committee on Higher Education.

SENATE BILL NO. 2521, by Senators Sandison, Guess, Goltz and Benitz:

An Act relating to universities and colleges.

Referred to Committee on Higher Education.

SENATE BILL NO. 2522, by Senators Sandison, Guess, Benitz and Goltz:

An Act relating to higher education.

Referred to Committee on Higher Education.

SENATE BILL NO. 2523, by Senator Washington:

An Act relating to environmental quality and providing for the control of air pollution.

Referred to Committee on Ecology.

SENATE BILL NO. 2524, By Senator Washington:
An Act relating to state environmental policy.
Referred to Committee on Ecology.

SENATE BILL NO. 2525, by Senator Washington:
An Act relating to environmental protection.
Referred to Committee on Ecology.

SENATE BILL NO. 2526, by Senator Washington:
An Act relating to ecology.
Referred to Committee on Ecology.

SENATE BILL NO. 2527, by Senator Washington:
An Act relating to the conservation of the public domain.
Referred to Committee on Ecology.

SENATE BILL NO. 2528, by Senator Washington:
An Act relating to groundwaters and providing for their use.
Referred to Committee on Ecology.

SENATE BILL NO. 2529, by Senator Walgren:
An Act relating to transportation.
Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 2530, by Senator Walgren:
An Act relating to highways.
Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 2531, by Senator Walgren:
An Act relating to energy.
Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 2532, by Senator Walgren:
An Act relating to energy.
Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 2533, by Senator Walgren:
An Act relating to the Washington state ferry system.
Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 2534, by Senator Walgren:
An Act relating to the Washington state toll bridge authority.
Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 2535, by Senator Walgren:
An Act relating to transportation.
Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 2536, by Senator Walgren:
An Act relating to public utilities.
Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 2537, by Senator Walgren:
An Act relating to motor vehicles.
Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 2538, by Senator Walgren:
An Act relating to public utilities.
Referred to Committee on Transportation and Utilities.

SENATE BILL NO 2539, by Senator Walgren:
An Act relating to pilotage.
Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 2540, by Senator Walgren:
An Act relating to air transportation.
Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 2541, by Senator Day:
An Act relating to corrections.
Referred to Committee on Social and Health Services.

SENATE BILL NO. 2542, by Senator Day:
An Act relating to osteopathy.
Referred to Committee on Social and Health Services.

SENATE BILL NO. 2543, by Senator Day:
An Act relating to the board of prison terms and paroles.
Referred to Committee on Social and Health Services.

SENATE BILL NO. 2544, by Senator Day:
An Act relating to chiropractic.
Referred to Committee on Social and Health Services.

SENATE BILL NO. 2545, by Senators Walgren, Lewis (R. H. "Bob") and Peterson:

An Act relating to the effect of certification of thermal power plant sites; and amending section 80.50.120 RCW.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 2546, by Senator Day:
An Act relating to health care services.
Referred to Committee on Social and Health Services.

SENATE BILL NO. 2547, by Senator Woody:
An Act relating to insurance.
Referred to Committee on Financial Institutions.

SENATE BILL NO. 2548, by Senator Woody:
An Act relating to insurance.
Referred to Committee on Financial Institutions.

SENATE BILL NO. 2549, by Senator Woody:
An Act relating to insurance.
Referred to Committee on Financial Institutions.

SENATE BILL NO. 2550, by Senator Woody:
An Act relating to insurance.
Referred to Committee on Financial Institutions.

SENATE BILL NO. 2551, by Senator Woody:
An Act relating to financial institutions.
Referred to Committee on Financial Institutions.

SENATE BILL NO. 2552, by Senator Woody:
An Act relating to financial institutions.
Referred to Committee on Financial Institutions.

SENATE BILL NO. 2553, by Senator Woody:
An Act relating to financial institutions.
Referred to Committee on Financial Institutions.

SENATE BILL NO. 2554, by Senator Woody:
An Act relating to financial institutions.
Referred to Committee on Financial Institutions.

SENATE BILL NO. 2555, by Senator Talley:
An Act relating to port districts.
Referred to Committee on Local Government.

SENATE BILL NO. 2556, by Senator Talley:
An Act relating to port districts.
Referred to Committee on Local Government.

SENATE BILL NO. 2557, by Senators Newschwander, Lewis (Harry) and Matson:
An Act relating to adopting a budget; and making appropriations.
Referred to Committee on Ways and Means.

SENATE BILL NO. 2558, by Senators Lewis (Harry), Newschwander and Matson:
An Act relating to adopting a budget; and making appropriations.
Referred to Committee on Ways and Means.

SENATE BILL NO. 2559, by Senator Goltz:
An Act relating to forest practices.
Referred to Committee on Natural Resources.

SENATE BILL NO. 2560, by Senators Jolly and Benitz:
An Act relating to agriculture.
Referred to Committee on Agriculture.

SENATE BILL NO. 2561, by Senators Jolly and Benitz:
An Act relating to agriculture.
Referred to Committee on Agriculture.

SENATE BILL NO. 2562, by Senators Benitz, Jolly and Morrison:
An Act relating to irrigation.
Referred to Committee on Agriculture.

SENATE BILL NO. 2563, by Senators Wanamaker, Sellar and Walgren:
An Act relating to air transportation.
Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 2564, by Senator Peterson:
An Act relating to state forest lands.
Referred to Committee on Natural Resources.

SENATE BILL NO. 2565, by Senator Peterson:
An Act relating to fisheries.
Referred to Committee on Natural Resources.

SENATE BILL NO. 2566, by Senator Peterson:
An Act relating to fisheries.
Referred to Committee on Natural Resources.

SENATE BILL NO. 2567, by Senator Peterson:
An Act relating to geothermal resources.
Referred to Committee on Natural Resources.

SENATE BILL NO. 2568, by Senator Peterson:
An Act relating to game and game fish.
Referred to Committee on Natural Resources.

SENATE BILL NO. 2569, by Senator Peterson:
An Act relating to game and game fish.
Referred to Committee on Natural Resources.

SENATE BILL NO. 2570, by Senator Peterson:
An Act relating to state forest lands.
Referred to Committee on Natural Resources.

SENATE BILL NO. 2571, by Senator Peterson:
An Act relating to food fish and shellfish.
Referred to Committee on Natural Resources.

SENATE BILL NO. 2572, by Senator Peterson:
An Act relating to game.
Referred to Committee on Natural Resources.

SENATE BILL NO. 2573, by Senator Peterson:
An Act relating to game.
Referred to Committee on Natural Resources.

SENATE BILL NO. 2574, by Senator Peterson:
An Act relating to food fish and shellfish.
Referred to Committee on Natural Resources.

SENATE BILL NO. 2575, by Senator Odegaard:
An Act relating to the support of government; and making appropriations.
Referred to Committee on Ways and Means.

SENATE BILL NO. 2576, by Senator Odegaard:
An Act relating to the support of government; and making appropriations.
Referred to Committee on Ways and Means.

SENATE BILL NO. 2577, by Senator Odegaard:
An Act relating to revenue and taxation.
Referred to Committee on Ways and Means.

SENATE BILL NO. 2578, by Senator Odegaard:
An Act relating to revenue and taxation.
Referred to Committee on Ways and Means.

SENATE BILL NO. 2579, by Senator Van Hollebeke:
An Act relating to consumer protection.
Referred to Committee on Commerce.

SENATE BILL NO. 2580, by Senator Van Hollebeke:
An Act relating to geologic hazards.
Referred to Committee on Commerce.

SENATE BILL NO. 2581, by Senator Van Hollebeke:
An Act relating to businesses and professions.
Referred to Committee on Commerce.

SENATE BILL NO. 2582, by Senators Peterson, Lewis (Harry), and Mårdesich:
An Act relating to conserving the salmon resources by limiting the number of commercial licenses and vessel delivery permits valid for salmon; providing for the health and welfare of members of the commercial salmon industry by authorizing the establishment of a procedure for the purchase and resale of vessels and fishing gear by the state; adding new sections to chapter 75.28 RCW; adding new sections to chapter 8, Laws of 1965 and to chapter 43.31 RCW; providing for a special revolving fund in the state treasury for receipt of federal funds; and declaring an emergency.
Referred to Committee on Natural Resources.

SENATE BILL NO. 2583, by Senator Van Hollebeke:
An Act relating to consumer protection.
Referred to Committee on Commerce.

SENATE BILL NO. 2584, by Senator Van Hollebeke:
An Act relating to consumer protection.
Referred to Committee on Commerce.

SENATE BILL NO. 2585, by Senator Van Hollebeke:
An Act relating to consumer protection.
Referred to Committee on Commerce.

SENATE BILL NO. 2586, by Senator Van Hollebeke:
An Act relating to businesses and professions.
Referred to Committee on Commerce.

SENATE BILL NO. 2587, by Senator Van Hollebeke:
An Act relating to businesses and professions.
Referred to Committee on Commerce.

SENATE BILL NO. 2588, by Senator Van Hollebeke:
An Act relating to businesses and professions.
Referred to Committee on Commerce.

SENATE BILL NO. 2589, by Senators Wilson, Morrison and Donohue:
An Act relating to personal service contracts.
Referred to Committee on Ways and Means.

SENATE BILL NO. 2590, by Senator Day:
An Act relating to community service programs.
Referred to Committee on Social and Health Services.

SENATE BILL NO. 2591, by Senator Day:
An Act relating to public assistance.
Referred to Committee on Social and Health Services.

SENATE BILL NO. 2592, by Senator Day:
An Act relating to dentistry.
Referred to Committee on Social and Health Services.

SENATE BILL NO. 2593, by Senator Day:
An Act relating to nursing homes.
Referred to Committee on Social and Health Services.

SENATE BILL NO. 2594, by Senator Day:
An Act relating to social and health services.
Referred to Committee on Social and Health Services.

SENATE BILL NO. 2595, by Senator Day:
An Act relating to hospitals.
Referred to Committee on Social and Health Services.

SENATE BILL NO. 2596, by Senator Day:
An Act relating to optometry.
Referred to Committee on Social and Health Services.

SENATE BILL NO. 2597, by Senator Day:
An Act relating to the hospital commission.
Referred to Committee on Social and Health Services.

SENATE BILL NO. 2598, by Senator Day:
An Act relating to the healing arts.
Referred to Committee on Social and Health Services.

SENATE BILL NO. 2599, by Senator Day:
An Act relating to foster care.
Referred to Committee on Social and Health Services.

SENATE BILL NO. 2600, by Senator Day:
An Act relating to the implementation of health planning and resources develop-
ment.
Referred to Committee on Social and Health Services.

SENATE BILL NO. 2601, by Senator Day:
An Act relating to alcoholism.
Referred to Committee on Social and Health Services.

SENATE BILL NO. 2602, by Senator Day:
An Act relating to mental health.
Referred to Committee on Social and Health Services.

SENATE BILL NO. 2603, by Senator Day:
An Act relating to insurance.

MOTION

On motion of Senator Mardesich, Senate Bill No. 2603 was referred to the Committee on Financial Institutions.

SENATE BILL NO. 2604, by Senator Day:
An Act relating to prisoners.
Referred to Committee on Financial Institutions.

SENATE BILL NO. 2605, by Senator Day:
An Act relating to medical practitioners.
Referred to Committee on Financial Institutions.

SENATE BILL NO. 2606, by Senators Bottiger, Grant, Marsh and Francis:

An Act relating to forest practices; adding new sections to chapter 137, Laws of 1974 ex. sess. and to chapter 75.09 RCW; and providing a civil penalty.
Referred to Committee on Natural Resources.

SENATE BILL NO. 2607, by Senators Walgren and Guess (by Department of Highways request):

An Act relating to highways; amending section 3, chapter 173, Laws of 1963 as last amended by section 4, chapter 12, Laws of 1973 2nd ex. sess. and RCW 47.05.030; amending section 4, chapter 173, Laws of 1963 as last amended by section 5, chapter 12, Laws of 1973 2nd ex. sess. and RCW 47.05.040; adding new sections to chapter 173, Laws of 1963 and to chapter 47.05 RCW; and repealing section 5, chapter 173, Laws of 1963, section 5, chapter 39, Laws of 1969 ex. sess., section 6, chapter 12, Laws of 1973 2nd ex. sess. and RCW 47.05.050.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 2608, by Senators Goltz, North and Washington:

An Act relating to air pollution; amending section 16, chapter 238, Laws of 1967 as amended by section 8, chapter 168, Laws of 1969 ex. sess. and RCW 70.94.092; and adding a new section to chapter 70.94 RCW to be codified as RCW 70.94.097.

Referred to Committee on Ecology.

SENATE BILL NO. 2609, by Senator Walgren:

An Act relating to counties; and amending section 36.32.120, chapter 4, Laws of 1967 as amended by section 1, chapter 59, Laws of 1967 ex. sess. and RCW 36.32.120.

Referred to Committee on Local Government.

SENATE BILL NO. 2610, by Senator Walgren:

An Act relating to bicycle registration; amending section 35.75.010, chapter 7, Laws of 1965 and RCW 35.75.010; adding a new chapter to Title 46 RCW; repealing section 35.75.050, chapter 7, Laws of 1965 and RCW 35.75.050; and defining crimes.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 2611, by Senator Lewis (R. H. "Bob") (by Secretary of State request):

An Act relating to elections; amending section 2, chapter 153, Laws of 1973 and RCW 29.07.092; amending section 29.10.020, chapter 9, Laws of 1965 as amended by section 24, chapter 202, Laws of 1971 ex. sess. and RCW 29.10.020; amending section 8, chapter 156, Laws of 1965 ex. sess. as amended by section 6, chapter 202, Laws of 1971 ex. sess. and RCW 29.10.160; and declaring an emergency.

Referred to Committee on Constitution and Elections.

SENATE BILL NO. 2612, by Senators Washington and Sellar:

An Act relating to exchange of state trust land; and adding new sections to chapter 79.08 RCW.

Referred to Committee on Natural Resources.

SENATE BILL NO. 2613, by Senators Marsh, Francis and Jones:

An Act relating to criminal procedure; and adding a new chapter to Title 10 RCW.

Referred to Judiciary Committee.

SENATE BILL NO. 2614, by Senator Rasmussen:

An Act relating to personalized license plates; and amending section 7, chapter 200, Laws of 1973 1st ex. sess. and RCW 46.16.585.

Referred to Committee on Natural Resources.

SENATE BILL NO. 2615, by Senators Day, Jones and von Reichbauer:

An Act relating to the involuntary treatment of alcoholics; providing for the duties of the prosecuting attorneys; and adding a new section to chapter 70.96A RCW.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2616, by Senators Wilson, Newschwander and Day:

An Act relating to the exchange of state lands for nonstate lands; adding a new section to chapter 43.51 RCW; adding a new section to chapter 76.12 RCW; and adding a new section to chapter 79.01 RCW.

Referred to Committee on Natural Resources.

SENATE BILL NO. 2617, by Senators Grant, Van Hollebeke and Washington:

An Act relating to nonrecyclable infant hygiene wear; adding new sections to chapter 70.95 RCW; defining crimes; prescribing penalties; prescribing an effective date; and declaring an emergency.

Referred to Committee on Ecology.

SENATE BILL NO. 2618, by Senator Rasmussen:

An Act relating to public contracts; and adding a new chapter to Title 39 RCW.

Referred to Committee on State Government.

SENATE BILL NO. 2619, by Senators Day, Buffington and McDermott:

An Act relating to family medicine; adding a new chapter to Title 70 RCW; and making an appropriation.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2620, by Senators Mardesich, Bottiger, Rasmussen, Matson, Lewis (Harry) and Sellar:

An Act relating to planning; amending section 36.70.030, chapter 4, Laws of 1963 and RCW 36.70.030; amending section 36.70.050, chapter 4, Laws of 1963 and RCW 36.70.050; adding a new section to chapter 35.63 RCW; and adding a new section to chapter 36.70 RCW.

Referred to Committee on Local Government.

SENATE BILL NO. 2621, by Senators Day, Buffington and Jones:

An Act relating to osteopathy; amending section 5, chapter 4, Laws of 1919 and RCW 18.57.080; adding new sections to chapter 4, Laws of 1919 and to chapter 18.57 RCW; repealing section 11, chapter 4, Laws of 1919, section 2, chapter 142, Laws of 1963 and RCW 18.57.170; repealing section 10, chapter 4, Laws of 1919 and RCW 18.57.180; repealing section 12, chapter 4, Laws of 1919 and RCW 18.57.240; and prescribing penalties.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2622, by Senators Marsh, Scott and Sandison (by Executive request):

An Act relating to anadromous fish; providing for a compact between the states of Washington, Oregon and Idaho relative to anadromous fish in the waters of the Columbia and Snake Rivers and providing for the ratification thereof; repealing section 75.40.010, chapter 12, Laws of 1955 and RCW 75.40.010; and repealing section 75.40.020, chapter 12, Laws of 1955 and RCW 75.40.020; and repealing the compact now existing between Oregon and Washington relating to fish in the concurrent waters of the Columbia River only upon approval by the congress of the compact provided for in section 1 of this 1975 act.

Referred to Committee on Natural Resources.

SENATE BILL NO. 2623, by Senators Marsh and Stortini:

An Act relating to child abuse; amending section 3, chapter 13, Laws of 1965 as

last amended by section 1, chapter 167, Laws of 1971 ex. sess. and RCW 26.44.030; amending section 4, chapter 13, Laws of 1965 as last amended by section 2, chapter 167, Laws of 1971 ex. sess. and RCW 26.44.040; and amending section 5, chapter 13, Laws of 1965 as last amended by section 15, chapter 302, Laws of 1971 ex. sess. and RCW 26.44.050.

Referred to Judiciary Committee.

SENATE BILL NO. 2624, by Senators Marsh and Stortini:

An Act relating to deferred compensation for city employees; and adding a new section to chapter 41.04 RCW.

MOTION

On motion of Senator Mardesich, Senate Bill No. 2624 was referred to the Committee on Financial Institutions.

SENATE BILL NO. 2625, by Senator Pullen:

An Act relating to plats, subdivisions, and dedications; amending section 11, chapter 271, Laws of 1969 ex. sess. as amended by section 5, chapter 134, Laws of 1974 ex. sess. and RCW 58.17.110; and declaring an emergency.

Referred to Committee on Local Government.

SENATE BILL NO. 2626, by Senators Talley, Newschwander, Knoblauch and Grant:

An Act relating to intoxicating liquor; amending section 3, chapter 62, Laws of 1933 ex. sess. as last amended by section 13, chapter 21, Laws of 1969 ex. sess. and RCW 66.04.010; amending section 77, chapter 62, Laws of 1933 ex. sess. as last amended by section 1, chapter 75, Laws of 1967 ex. sess. and RCW 66.08.180; amending section 24A 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 25, chapter 62, Laws of 1933 ex. sess. as amended by section 4, chapter 21, Laws of 1969 ex. sess. and RCW 66.24.230; adding a new section to chapter 62, Laws of 1933 ex. sess. and to chapter 66.08 RCW; and prescribing an effective date.

Referred to Committee on State Government.

SENATE BILL NO. 2627, by Senator Van Hollebeke:

An Act relating to revenue and taxation; and amending section 84.48.010, chapter 15, Laws of 1961 as amended by section 2, chapter 55, Laws of 1970 ex. sess. and RCW 84.48.010.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2628, by Senators Sandison, Benitz, Guess, Scott and Goltz:

An Act relating to higher education; regulating postsecondary proprietary schools and their agents; repealing sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 11, 12 and 13, chapter 72, Laws of 1967 ex. sess. and RCW 18.82.010 through 18.82.920; repealing section 10, chapter 72, Laws of 1967 ex. sess. (uncodified); adding new sections to chapter 223, Laws of 1969 ex. sess. and to Title 28B RCW as a new chapter thereof; creating new sections; making an appropriation; providing civil and criminal penalties; and declaring an emergency.

Referred to Committee on Higher Education.

SENATE BILL NO. 2629, by Senators Cunningham, Day and McDermott:

An Act relating to social workers; adding a new chapter to Title 18 RCW; and defining crimes.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2630, by Senators Talley, Stortini and Henry:

An Act relating to crimes and punishment; amending section 12, page 78, Laws of 1854 as last amended by section 1, chapter 112, Laws of 1919 and RCW 9.48.030; prescribing penalties; and providing for submission of this act to a vote of the people.

Referred to Judiciary Committee.

SENATE BILL NO. 2631, by Senators Bailey and Ridder:

An Act relating to labor relations; enacting a state labor-management relations act; amending section 15, chapter 234, Laws of 1959 as last amended by section 17, chapter 57, Laws of 1971 ex. sess. and RCW 34.04.150; and adding a new chapter to Title 49 RCW.

Referred to Committee on Labor.

SENATE BILL NO. 2632, by Senators Walgren and Wanamaker:

An Act relating to the regulation of railroads; amending section 2, chapter 80, Laws of 1973 and RCW 49.17.020; amending section 27, chapter 80, Laws of 1973 and RCW 49.17.270; amending section 81.24.010, chapter 14, Laws of 1961 as last amended by section 6, chapter 210, Laws of 1969 ex. sess. and RCW 81.24.010; amending section 81.24.050, chapter 14, Laws of 1961 and RCW 81.24.050; and declaring an emergency.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 2633, by Senators Woody and Stortini:

An Act relating to education; and adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.04 RCW.

Referred to Committee on Education.

SENATE BILL NO. 2634, by Senators Mardesich and Lewis (Harry):

An Act relating to state government; authorizing allowances for legislative members-elect; and adding a new section to chapter 44.04 RCW.

Referred to Committee on State Government.

SENATE BILL NO. 2635, by Senators Matson and Rasmussen (by Department of Personnel request):

An Act relating to state government; amending the state civil service law to provide for one or more hearing examiners; amending section 11, chapter 1, Laws of 1961 and RCW 41.06.110; amending section 12, chapter 1, Laws of 1961 and RCW 41.06.120; amending section 17, chapter 1, Laws of 1961 and RCW 41.06.170; and adding a new section to chapter 1, Laws of 1961 and to chapter 41.06 RCW.

Referred to Committee on State Government.

SENATE BILL NO. 2636, by Senators Donohue, Sellar, Sandison and Matson:

An Act relating to state government and the planning, construction, furnishing and equipping of an office-laboratory building and facilities at Washington State University Tree Fruit Research Center and providing for the financing thereof by the issuance of bonds; creating a new section; making an appropriation; amending section 1, chapter 109, Laws of 1974 ex. sess. and RCW 28B.30.600; amending section 3, chapter 109, Laws of 1974 ex. sess. and RCW 28B.30.604; amending section 4, chapter 109, Laws of 1974 ex. sess. and RCW 28B.30.606; amending section 6, chapter 109, Laws of 1974 ex. sess. and RCW 28B.30.610; amending section 8, chapter 109, Laws of 1974 ex. sess. and RCW 28B.30.614; and amending section 11, chapter 109, Laws of 1974 ex. sess. and RCW 28B.30.619.

Referred to Committee on Higher Education.

SENATE BILL NO. 2637, by Senators Mardesich, Bailey and Matson:

An Act relating to environmental policy; and amending section 3, chapter 109, Laws of 1971 ex. sess. and RCW 43.21C.040.

Referred to Committee on Ecology.

SENATE BILL NO. 2638, by Senators Beck, Bottiger and Walgren:

An Act relating to drivers' license fees; and amending section 4, chapter 25, Laws of 1965 as last amended by section 2, chapter 91, Laws of 1971 ex. sess. and RCW 46.68.041.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 2639, by Senator Beck (by Department of Motor Vehicles request):

An Act relating to motor vehicle repair; and adding a new chapter to Title 46 RCW.

Referred to Committee on Commerce.

SENATE BILL NO. 2640, by Senators McDermott, North and Lewis (Harry) (by Department of Employment Security request):

An Act relating to mentally incompetent persons; amending section 4, chapter 113, Laws of 1935 and RCW 7.24.040; amending section 2, chapter 74, Laws of 1891 as amended by section 10, chapter 292, Laws of 1971 ex. sess. and RCW 8.04.020; amending section 14, chapter 153, Laws of 1907 and RCW 8.12.180; amending section 2, page 295, Laws of 1890 as amended by section 9, chapter 292, Laws of 1971 ex. sess. and RCW 8.20.020; amending section 164, chapter 249, Laws of 1909 and RCW 9.11.040; amending section 33, page 80, Laws of 1854 as last amended by section 122, chapter 154, Laws of 1973 1st ex. sess. and RCW 9.79.010; amending section 11.88.010, chapter 145, Laws of 1965 and RCW 11.88.010; amending section 25.04.320, chapter 15, Laws of 1955 and RCW 25.04.320; amending section 1, chapter 174, Laws of 1909 as last amended by section 27, chapter 154, Laws of 1973 1st ex. sess. and RCW 26.04.030; amending section 2, chapter 174, Laws of 1909 as last amended by section 28, chapter 154, Laws of 1973 1st ex. sess. and RCW 26.04.040; amending section 13 and 14, page 83, Laws of 1866 as last amended by section 29, chapter 154, Laws of 1973 1st ex. sess. and RCW 26.04.210; amending section 419, chapter 249, Laws of 1909 and RCW 26.04.250; amending section 30.08.150, chapter 33, Laws of 1955 as last amended by section 48, chapter 154, Laws of 1973 1st ex. sess. and RCW 30.08.150; amending section 72.05.010, chapter 28, Laws of 1959 and RCW 72.05.010; amending section 72.25.010, chapter 28, Laws of 1959 as amended by section 1, chapter 78, Laws of 1965 and RCW 72.25.010; amending section 72.25.020, chapter 28, Laws of 1959 as amended by section 2, chapter 78, Laws of 1965 and RCW 72.25.020; amending section 72.25.030, chapter 28, Laws of 1959 as amended by section 3, chapter 78, Laws of 1965 and RCW 72.25.030; amending section 11, chapter 117, Laws of 1895 as amended by section 56, chapter 292, Laws of 1971 ex. sess. and RCW 85.05.110; amending section 11, chapter 115, Laws of 1895 as amended by section 57, chapter 292, Laws of 1971 ex. sess. and RCW 85.06.110; and amending section 21, chapter 23, Laws of 1911 and RCW 91.08.230.

Referred to Judiciary Committee.

SENATE BILL NO. 2641, by Senators Odegaard and Donohue:

An Act relating to state government; amending section 1, chapter 40, Laws of 1971 ex. sess. and RCW 28B.10.180; amending section 43.09.310, chapter 8, Laws of 1965 as amended by section 2, chapter 170, Laws of 1971 ex. sess. and RCW 43.09.310; amending section 43.52.050, chapter 8, Laws of 1965 and RCW 43.62.050; 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 43.88.090, chapter 8, Laws of 1965 as amended by section 6, chapter 100, Laws of 1973 1st ex. sess. and RCW 43.88.090; amending section 1, chapter 263, Laws of 1971 ex. sess. and RCW 43.88.115; amending section 43.88.160, chapter 8, Laws of 1965 as last amended by section 1, chapter 104, Laws of 1973 and RCW 43.88.160; amending section 1, chapter 248, Laws of 1969 ex. sess. and RCW 43.88.195; amending section 4, chapter 41, Laws of 1967 ex. sess. as amended by section 3, chapter 17, Laws of 1973 2nd ex. sess. and RCW 43.88.205; amending section 43.88.230, chapter 8, Laws of 1965 and RCW 43.88.230; amending

section 2, chapter 43, Laws of 1951 and RCW 44.28.060; amending section 4, chapter 43, Laws of 1951 as amended by section 10, chapter 206, Laws of 1955 and RCW 44.28.080; amending section 3, chapter 170, Laws of 1971 ex. sess. and RCW 44.28.085; amending section 6, chapter 43, Laws of 1951 and RCW 44.28.100; amending section 11, chapter 43, Laws of 1951 as amended by section 9, chapter 206, Laws of 1955 and RCW 44.28.140; amending section 7, chapter 43, Laws of 1951 and RCW 44.28.150; amending section 2, chapter 148, Laws of 1959 and RCW 44.28.160; amending section 11, chapter 265, Laws of 1969 ex. sess. and RCW 44.30.060; amending section 12, chapter 130, Laws of 1965 ex. sess. and RCW 44.33.310; amending section 12, chapter 308, Laws of 1961 and RCW 44.36.120; amending section 2, chapter 195, Laws of 1971 ex. sess. and RCW 44.40.025; amending section 4, chapter 25, Laws of 1965 as last amended by section 2, chapter 91, Laws of 1971 ex. sess. and RCW 46.68.041; adding a new section to chapter 43.88 RCW; adding a new section to chapter 44.04 RCW; repealing section 43.79.280, chapter 8, Laws of 1965, section 3, chapter 144, Laws of 1973 and RCW 43.79.280; repealing section 5, chapter 43, Laws of 1951 and RCW 44.28.090; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2642, by Senators Stortini and Van Hollebeke:

An Act relating to gambling; amending section 2, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 2, chapter 155, Laws of 1974 ex. sess. and RCW 9.46.020; amending section 3, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 3, chapter 155, Laws of 1974 ex. sess. and RCW 9.46.030; amending section 7, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 4, chapter 155, Laws of 1974 ex. sess. and RCW 9.46.070; amending section 11, chapter 218, Laws of 1973 1st ex. sess. as last amended by section 8, chapter 155, Laws of 1974 ex. sess. and RCW 9.46.110; and declaring an emergency.

Referred to Judiciary Committee.

SENATE BILL NO. 2643, by Senators Newschwander, Odegaard and Scott:

An Act relating to state government; amending section 2, chapter 40, Laws of 1963 and RCW 2.04.250; amending section 8, chapter 45, Laws of 1925 ex. sess. and RCW 2.52.080; amending section 6, chapter 259, Laws of 1957 and RCW 2.56.060; amending section 3, chapter 165, Laws of 1947 as amended by section 1, chapter 68, Laws of 1967 and RCW 14.04.030; amending section 4, chapter 165, Laws of 1947 as last amended by section 2, chapter 68, Laws of 1967 and RCW 14.04.040; amending section 15.04.040, chapter 11, Laws of 1961 and RCW 15.04.040; amending section 15.24.050, chapter 11, Laws of 1961 as amended by section 26, chapter 240, Laws of 1967 and RCW 15.24.050; amending section 10, chapter 129, Laws of 1969 and RCW 15.26.100; amending section 15.28.090, chapter 11, Laws of 1961 as amended by section 5, chapter 191, Laws of 1967 and RCW 15.28.090; amending section 15.44.038, chapter 11, Laws of 1961 and RCW 15.44.038; amending section 15.60.010, chapter 11, Laws of 1961 and RCW 15.60.010; amending section 15.60.020, chapter 11, Laws of 1961 and RCW 15.60.020; amending section 11, chapter 87, Laws of 1961 and RCW 15.63.110; amending section 27, chapter 256, Laws of 1961 and RCW 15.65.270; amending section 15.66.130, chapter 11, Laws of 1961 as amended by section 3, chapter 112, Laws of 1972 ex. sess. and RCW 15.66.130; amending section 8, chapter 61, Laws of 1961 and RCW 15.67.170; amending section 6, chapter 133, Laws of 1969 and RCW 16.67.070; amending section 27, chapter 249, Laws of 1961 and RCW 17.21.270; amending section 7, chapter 226, Laws of 1949 and RCW 18.04.080; amending section 3, chapter 323, Laws of 1959 and RCW 18.08.120; amending section 11, chapter 101, Laws of 1957 as amended by section 1, chapter 188, Laws of 1957 and RCW 18.15.055; amending section 5, chapter 101, Laws of 1957 as amended by section 20, chapter 223, Laws of 1967 and RCW 18.15.140; amending section 2, chapter 168, Laws of 1953 as amended by section 8, chapter 3, Laws of 1965 ex. sess. and RCW 18.18.104; amending section 14, chapter 3, Laws of 1965 ex. sess. and RCW 18.18.251; amending section 2, chapter 53, Laws of 1959 as amended by section 8, chapter 97, Laws of 1974 ex. sess. and RCW

18.25.017; amending section 7, chapter 171, Laws of 1967 as amended by section 14, chapter 97, Laws of 1974 ex. sess. and RCW 18.26.070; amending section 3, chapter 93, Laws of 1953 as last amended by section 2, chapter 188, Laws of 1967 and RCW 18.32.050; amending section 15, chapter 106, Laws of 1973 1st ex. sess. and RCW 18.35.150; amending section 10, chapter 206, Laws of 1973 1st ex. sess. and RCW 18.37.100; amending section 6, chapter 57, Laws of 1970 ex. sess. and RCW 18.52.060; amending section 13, chapter 25, Laws of 1963 as amended by section 3, chapter 188, Laws of 1967 and RCW 18.54.130; amending section 2, chapter 98, Laws of 1935 as amended by section 17, chapter 38, Laws of 1963 and RCW 18.64.003; amending section 2, chapter 284, Laws of 1961 and RCW 18.71.015; amending section 10, chapter 202, Laws of 1955 and RCW 18.72.100; amending section 2, chapter 239, Laws of 1949 and RCW 18.74.020; amending section 4, chapter 222, Laws of 1949 as amended by section 4, chapter 188, Laws of 1967 and RCW 18.78.040; amending section 12, chapter 222, Laws of 1949 and RCW 18.78.110; amending section 13, chapter 222, Laws of 1949 and RCW 18.78.120; amending section 21, chapter 70, Laws of 1965 as amended by section 19, chapter 199, Laws of 1969 ex. sess. and RCW 18.83.051; amending section 14, chapter 252, Laws of 1941 as last amended by section 4, chapter 235, Laws of 1953 and RCW 18.85.080; amending section 8, chapter 202, Laws of 1949 as last amended by section 7, chapter 133, Laws of 1973 and RCW 18.88.080; amending section 9, chapter 202, Laws of 1949 as last amended by section 8, chapter 133, Laws of 1973 and RCW 18.88.090; amending section 2, chapter 200, Laws of 1959 as amended by section 5, chapter 188, Laws of 1967 and RCW 18.90.020; amending section 13, chapter 124, Laws of 1907 as last amended by section 3, chapter 44, Laws of 1974 ex. sess. and RCW 18.92.040; amending section 5, chapter 158, Laws of 1969 ex. sess. and RCW 18.96.050; amending section 11, chapter 175, Laws of 1973 1st ex. sess. and RCW 18.106.110; amending section 22, chapter 253, Laws of 1971 ex. sess. and RCW 19.16.310; amending section 7, chapter 96, Laws of 1974 ex. sess. and RCW 19.27.070; amending section 5, chapter 207, Laws of 1963 as amended by section 1, chapter 71, Laws of 1969 ex. sess. and RCW 19.28.055; amending section 3, chapter 169, Laws of 1935 as amended by section 1, chapter 88, Laws of 1967 and RCW 19.28.070; amending section 2, chapter 188, Laws of 1974 ex. sess. and RCW 19.28.123; amending section 12, chapter 169, Laws of 1935 and RCW 19.28.270; amending section 47, chapter 282, Laws of 1959 and RCW 21.20.470; amending section 59, chapter 282, Laws of 1959 and RCW 21.20.590; amending section 1, chapter 5, Laws of 1941 as last amended by section 1, chapter 198, Laws of 1967 and RCW 27.04.020; amending section 28A.04.110, chapter 223, Laws of 1969 ex. sess. as amended by section 13, chapter 106, Laws of 1973 and RCW 28A.04.110; amending section 6, chapter 176, Laws of 1969 ex. sess. as amended by section 8, chapter 282, Laws of 1971 ex. sess. and RCW 28A.21.060; amending section 13, chapter 176, Laws of 1969 ex. sess. as amended by section 19, chapter 282, Laws of 1971 ex. sess. and RCW 28A.21.130; amending section 28B.10.525, chapter 223, Laws of 1969 ex. sess. and RCW 28B.10.525; amending section 6, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.060; amending section 28B.50.050, chapter 223, Laws of 1969 ex. sess. as last amended by section 13, chapter 62, Laws of 1973 and RCW 28B.50.050; amending section 28B.50.060, chapter 223, Laws of 1969 ex. sess. as last amended by section 8, chapter 46, Laws of 1973 1st ex. sess. and RCW 28B.50.060; amending section 28B.50.170, chapter 223, Laws of 1969 ex. sess. as last amended by section 20, chapter 62, Laws of 1973 and RCW 28B.50.170; amending section 28B.50.200, chapter 223, Laws of 1969 ex. sess. as amended by section 21, chapter 62, Laws of 1973 and RCW 28B.50.200; amending section 52, chapter 283, Laws of 1969 ex. sess. and RCW 28B.50.245; amending section 12, chapter 277, Laws of 1969 ex. sess. and RCW 28B.80.110; amending section 9, chapter 263, Laws of 1969 ex. sess. and RCW 28B.81.090; amending section 4, chapter 81, Laws of 1974 ex. sess. and RCW 36.63A.040; amending section 43, chapter 130, Laws of 1943 as amended by section 1, chapter 45, Laws of 1974 ex. sess. and RCW 38.24.050; amending section 5, chapter 246, Laws of 1957 and RCW 40.14.050; amending section 2, chapter 39, Laws of 1970 ex. sess. as amended by section 1, chapter 147, Laws of 1973 1st ex. sess. and RCW 41.05.020; amending section 11, chapter 1, Laws of 1961

and RCW 41.06.110; amending section 4, chapter 263, Laws of 1955 as amended by section 8, chapter 118, Laws of 1969 and RCW 41.24.270; amending section 6, chapter 80, Laws of 1947 and RCW 41.32.060; amending section 5, chapter 274, Laws of 1947 and RCW 41.40.050; amending section 43.03.060, chapter 8, Laws of 1965 as last amended by section 1, chapter 157, Laws of 1974 ex. sess. and RCW 43.03.060; amending section 3, chapter 16, Laws of 1967 ex. sess. and RCW 43.03.130; amending section 2, chapter 41, Laws of 1967 ex. sess. as amended by section 1, chapter 17, Laws of 1973 2nd ex. sess. and RCW 43.06.130; amending section 2, chapter 189, Laws of 1971 ex. sess. and RCW 43.20A.360; amending section 15, chapter 189, Laws of 1971 ex. sess. and RCW 43.20A.380; amending section 18, chapter 62, Laws of 1970 ex. sess. and RCW 43.21A.180; amending section 35, chapter 62, Laws of 1970 ex. sess. and RCW 43.21B.050; amending section 3, chapter 229, Laws of 1969 ex. sess. as last amended by section 1, chapter 82, Laws of 1971 ex. sess. and RCW 43.22.420; amending section 6, chapter 44, Laws of 1970 ex. sess. as amended by section 4, chapter 22, Laws of 1973 1st ex. sess. and RCW 43.22.475; amending section 43.24.060, chapter 8, Laws of 1965 as amended by section 3, chapter 100, Laws of 1965 and RCW 43.24.060; amending section 43.24.110, chapter 8, Laws of 1965 as amended by section 5, chapter 100, Laws of 1965 and RCW 43.24.110; amending section 43.30.150, chapter 8, Laws of 1965 and RCW 43.30.150; amending section 43.31.090, chapter 9, Laws of 1965 and RCW 43.31.090; amending section 43.31.110, chapter 8, Laws of 1965 and RCW 43.31.110; amending section 43.31.130, chapter 8, Laws of 1965 and RCW 43.31.130; amending section 43.38.010, chapter 8, Laws of 1965 and RCW 43.38.010; amending section 12, chapter 239, Laws of 1969 ex. sess. and RCW 43.41.120; amending section 5, chapter 202, Laws of 1973 1st ex. sess. and RCW 43.43.858; amending section 43.51.020, chapter 8, Laws of 1965 as last amended by section 1, chapter 31, Laws of 1969 ex. sess. and RCW 43.51.020; amending section 7, chapter 19, Laws of 1967 ex. sess. and RCW 43.51.810; amending section 43.56.040, chapter 8, Laws of 1955 and RCW 43.56.040; amending section 43.57.020, chapter 8, Laws of 1965 as amended by section 1, chapter 164, Laws of 1965 ex. sess. and RCW 43.57.020; amending section 5, chapter 147, Laws of 1957 ex. sess. and RCW 43.59.050; amending section 43.62.010, chapter 8, Laws of 1965 and RCW 43.62.010; amending section 12, chapter 74, Laws of 1967 and RCW 43.63A.120; amending section 43.74.015, chapter 8, Laws of 1965 as amended by section 6, chapter 188, Laws of 1967 and RCW 43.74.015; amending section 11, chapter 5, Laws of 1965 as last amended by section 1, chapter 60, Laws of 1971 and RCW 43.99.110; amending section 7, chapter 94, Laws of 1974 ex. sess. and RCW 43.101.070; amending section 14, chapter 94, Laws of 1974 ex. sess. and RCW 43.101.140; amending section 2, chapter 108, Laws of 1969 and RCW 43.110.010; amending section 3, chapter 34, Laws of 1971 ex. sess. and RCW 43.115.030; amending section 4, chapter 140, Laws of 1974 ex. sess. and RCW 43.117.040; amending section 1, chapter 76, Laws of 1972 ex. sess. and RCW 43.125.010; amending section 14, chapter 43, Laws of 1951 and RCW 44.28.040; amending section 5, chapter 150, Laws of 1967 ex. sess. and RCW 44.60.050; amending section 46.82.140, chapter 12, Laws of 1961 as amended by section 48, chapter 170, Laws of 1965 ex. sess. and RCW 46.82.140; amending section 47.01.040, chapter 13, Laws of 1961 as amended by section 31, chapter 170, Laws of 1965 ex. sess. and RCW 47.01.040; amending section 19, chapter 83, Laws of 1967 ex. sess. as amended by section 2, chapter 171, Laws of 1969 ex. sess. and RCW 47.26.130; amending section 20, chapter 83, Laws of 1967 ex. sess. as amended by section 3, chapter 171, Laws of 1969 ex. sess. and RCW 47.26.140; amending section 4, chapter 278, Laws of 1961 as amended by section 32, chapter 170, Laws of 1965 ex. sess. and RCW 47.56.023; amending section 14, chapter 150, Laws of 1967 and RCW 48.17.135; amending section 1, chapter 231, Laws of 1941 as last amended by section 1, chapter 6, Laws of 1967 and RCW 49.04.010; amending section 4, chapter 58, Laws of 1903 and RCW 49.08.040; amending section 4, chapter 270, Laws of 1955 and RCW 49.60.070; amending section 9, chapter 270, Laws of 1955 as last amended by section 5, chapter 214, Laws of 1973 1st ex. sess. and RCW 49.60.130; amending section 2, chapter 127, Laws of 1959 and RCW 50.12.031; amending section 59, chapter 35, Laws of 1945 as last amended by sec-

tion 4, chapter 8, Laws of 1953 ex. sess. and RCW 50.12.200; amending section 67, chapter 289, Laws of 1971 ex. sess. as amended by section 37, chapter 43, Laws of 1972 ex. sess. and RCW 51.04.110; amending section 51.52.010, chapter 23, Laws of 1961 as last amended by section 68, chapter 289, Laws of 1971 ex. sess. and RCW 51.52.010; amending section 2, chapter 184, Laws of 1933 as amended by section 1, chapter 305, Laws of 1959 and RCW 67.08.003; amending section 12, chapter 184, Laws of 1933 as amended by section 4, chapter 305, Laws of 1959 and RCW 67.08.060; amending section 2, chapter 233, Laws of 1969 ex. sess. and RCW 67.16.017; amending section 33, chapter 290, Laws of 1953 and RCW 68.05.060; amending section 6, chapter 198, Laws of 1971 ex. sess. and RCW 70.38.050; amending section 2, chapter 32, Laws of 1951 and RCW 70.79.020; amending section 4, chapter 134, Laws of 1969 ex. sess. and RCW 70.95.040; amending section 7, chapter 207, Laws of 1961, as last amended by section 18, chapter 18, Laws of 1970 ex. sess. and RCW 70.98.070; amending section 4, chapter 183, Laws of 1974 ex. sess. and RCW 70.107.040; amending section 19, chapter 111, Laws of 1967 ex. sess. and RCW 71.24.190; amending section 72.01.180, chapter 28, Laws of 1959 and RCW 72.01.180; amending section 6, chapter 118, Laws of 1973 and RCW 72.41.060; amending section 6, chapter 96, Laws of 1972 ex. sess. and RCW 72.42.060; amending section 72.60.060, chapter 28, Laws of 1959 and RCW 72.60.060; amending section 77.04.060, chapter 36, Laws of 1955 as last amended by section 9, chapter 307, Laws of 1961 and RCW 77.04.060; amending section 34, chapter 26, Laws of 1967 ex. sess. as amended by section 2, chapter 65, Laws of 1970 ex. sess. and RCW 82.03.050; amending section 27, chapter 200, Laws of 1907 as amended by section 1, chapter 137, Laws of 1947 and RCW 88.04.020; amending section 2, chapter 18, Laws of 1935 as last amended by section 1, chapter 15, Laws of 1967 and RCW 88.16.020; amending section 4, chapter 304, Laws of 1955 as last amended by section 5, chapter 184, Laws of 1973 1st ex. sess. and RCW 89.08.040; amending section 2, chapter 162, Laws of 1925 ex. sess. as amended by section 1, chapter 123, Laws of 1947 and RCW 90.08.050; amending section 3, chapter 123, Laws of 1965 ex. sess. as amended by section 1, chapter 36, Laws of 1967 and RCW 91.12.030; adding a new section to chapter 41.04 RCW; and providing an effective date.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2644, by Senators Henry, Francis and Matson:

An Act relating to the judicial retirement system; amending section 3, chapter 267, Laws of 1971 ex. sess. and RCW 2.10.030; amending section 10, chapter 267, Laws of 1971 ex. sess. and RCW 2.10.100; and amending section 1, chapter 286, Laws of 1961, as amended by section 2, chapter 30, Laws of 1971 and RCW 2.12.012.

Referred to Committee on Ways and Means.

SENATE JOINT MEMORIAL NO. 110, by Senators Sandison, Peterson and Benitz:

Memorializing Congress to exempt duck hunting from requirements of federal environmental policy act.

Referred to Committee on Natural Resources.

SENATE JOINT MEMORIAL NO. 111, by Senators Guess, Donohue, Jolly, Van Hollebeke, Goltz, Ridder, Stortini, Fleming, Bluechel, Benitz, Francis, Pullen, Beck, Buffington, Odegaard, Matson, Keefe, Wilson, Gould, North, Sellar, Lewis (Harry), Newschwander, Lewis (R. H. "Bob"), Day, Peterson and Murray:

Requesting the President to attend the dedications of Lower Monumental, Little Goose, and Lower Granite Dams.

Referred to Committee on Transportation and Utilities.

SENATE CONCURRENT RESOLUTION NO. 106, by Senators Day, Jones and Guess:

Directing the house and senate committees on parks and recreation to conduct hearings on proposed land trades by the state parks and recreation commission.

Referred to Committee on Parks and Recreation.

There being no objection, the rules were suspended and additional sponsors were permitted on the following Senate bills: 2517, 2518, 2520, 2522, 2606, 2620, 2626, 2628, 2636; and Senate Joint Memorial No. 111.

SUBSTITUTE HOUSE BILL NO. 62, by Committee on Local Government (originally sponsored by Representatives Bausch and Hendricks):

Authorizing a service charge for county ambulance service.

Referred to Committee on Local Government.

HOUSE BILL NO. 162, by Representatives Seeberger, Hansen, Warnke, McKibbin, Gaines and Schumaker:

Removing the requirement that certain justices of the peace and district court judges be attorneys.

Referred to Judiciary Committee.

ENGROSSED HOUSE BILL NO. 187, by Representatives Tilly, Haussler, Hansen, Curtis and Flanagan:

Changing designation of first class PUD to five commissioner PUD, and second class PUD to three commissioner PUD.

MOTION

On motion of Senator Mardesich, Engrossed House Bill No. 187 was referred to the Committee on Local Government.

HOUSE BILL NO. 189, by Representatives Bagnariol and Polk:

Authorizing water district commissioners to establish mileage reimbursement for official travel.

Referred to Committee on Local Government.

ENGROSSED HOUSE BILL NO. 261, by Representatives Knowles, Haynes and Maxie (by Judicial Council request):

Requiring no fee when a relinquishment of parental rights is filed.

Referred to Judiciary Committee.

HOUSE BILL NO. 264, by Representatives Knowles, Smith (Rick) and Seeberger (by Judicial Council request):

Requiring the clerk of district and municipal courts to collect and remit fees, costs, penalties, fines and forfeitures.

Referred to Judiciary Committee.

MOTIONS

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

At 2:14 p.m., on motion of Senator Mardesich, the Senate adjourned until 11:00 a.m., Tuesday, February 18, 1975.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

THIRTY-SEVENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, February 18, 1975.

The Senate was called to order at 11:00 a.m. by President Pro Tempore Henry. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Benitz, Day and Donohue. On motion of Senator Knoblauch, Senators Day and Donohue were excused. On motion of Senator Sellar, Senator Benitz was excused.

The Color Guard, consisting of Pages Lynn Harris and Tim Buffington, presented the Colors. Reverend Wallace F. Misterek, pastor of Trinity Lutheran Church of Olympia, offered the following prayer:

"GREAT GOD, WE RECALL THE WORDS OF JESUS, 'ALL POWER IS GIVEN UNTO ME IN HEAVEN AND EARTH', AND THE WORDS OF PAUL, THE APOSTLE, 'THE POWERS THAT BE ARE ORDAINED BY GOD'. WE RECOGNIZE AND PRAISE YOU TODAY AS THE ONE FROM WHOM ALL AUTHORITY AND POWER DERIVES. YOU HAVE ENTRUSTED THIS BODY WITH THE PRIVILEGE AND THE RESPONSIBILITY OF FORMULATING LEGISLATION THAT WILL BE CREDITABLE TO YOU AND HELPFUL TO THE PEOPLE OF THIS STATE. LORD, THIS IS A HEAVY RESPONSIBILITY AND WE COME TO YOU AT THE BEGINNING OF THIS DAY OF SESSION AND ASK YOU TO HELP THESE MEN AND WOMEN REMEMBER WHAT THEY ARE HERE FOR AND WHO THEY ARE HERE FOR. SET ALL OF US FREE FROM PETTINESS, FALSE PRIDE AND PREJUDICE. HELP THESE SENATORS REMAIN PERCEPTIVE OF THE REAL NEEDS OF ALL PEOPLE AND HELP THEM CARRY OUT THEIR WORK IN A WAY THAT WILL BE MOST HELPFUL FOR ALL. MAKE THEM WISE AND JUDICIOUS IN THE VOTES THEY CAST. IN CHAMBERS AND IN COMMITTEES, TEMPER THEIR FIRMNESS AND PERSEVERANCE WITH PATIENCE AND KINDNESS. WE ASK FOR FORGIVENESS FROM PAST MISTAKES AND GUIDANCE FOR TODAY IN THE STRONG NAME OF JESUS. AMEN."

MOTION

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

REPORTS OF STANDING COMMITTEES

February 17, 1975.

SENATE BILL NO. 2002, enacting the fair campaign practices act of 1975 (reported by Committee on Constitution and Elections):

MAJORITY recommendation: That Second Substitute Senate Bill No. 2002 be substituted therefor and the second substitute bill do pass.

Signed by: Senators Beck, Chairman; Grant, Lewis (R. H. "Bob"), Stortini, Washington.

Passed to Committee on Rules for second reading.

February 18, 1975.

SENATE BILL NO. 2046, declaring that fishing derbys are not gambling and removing them from regulation by the gambling commission (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Buffington, Clarke, Jones, Marsh, Scott, Van Hollebeke, Woody.

Passed to Committee on Rules for second reading.

February 18, 1975.

SENATE BILL NO. 2071, increasing fees for service in process (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Bottiger, Buffington, Clarke, Jones, Marsh, Scott, Woody.

Passed to Committee on Rules for second reading.

February 18, 1975.

SENATE BILL NO. 2072, authorizing recording of communications in certain situations (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Bottiger, Buffington, Clarke, Jones, Scott, Van Hollebeke.

Passed to Committee on Rules for second reading.

February 18, 1975.

SENATE BILL NO. 2108, enacting the uniform foreign money-judgments recognition act (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Bottiger, Buffington, Clarke, Jones, Marsh, Scott.

Passed to Committee on Rules for second reading.

February 11, 1975.

SENATE BILL NO. 2252, designating state highway routes (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: That Substitute Senate Bill No. 2252 be substituted therefor and the substitute bill do pass.

Signed by: Senators Walgren, Chairman; Beck, Bluechel, Guess, Knoblauch, Lewis (R. H. "Bob"), Stortini, Talley, Wanamaker.

Passed to Committee on Rules for second reading.

February 17, 1975.

SENATE BILL NO. 2401, providing for adjustment of workmen's compensation payments (reported by Committee on Labor):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Ridder, Chairman; Bailey, Grant, von Reichbauer.

Passed to Committee on Rules for second reading.

February 14, 1975.

SENATE BILL NO. 2403, providing arrest procedures for specified traffic offenses (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Francis, Chairman; Buffington, Clarke, Fleming, Jones, Marsh, Woody.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE HOUSE

February 17, 1975.

Mr. President: The House has passed:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 71,
ENGROSSED HOUSE BILL NO. 155.

ENGROSSED HOUSE BILL NO. 245,
 ENGROSSED HOUSE BILL NO. 410, and the same are herewith transmitted.
 DEAN R. FOSTER, Chief Clerk.

INTRODUCTION AND FIRST READING

SENATE BILL NO. 2645, by Senators Odegaard, Matson, Mardesich, Wanamaker, Morrison and Goltz:

An Act relating to electrical contractors.
 Referred to Committee on Commerce.

SENATE BILL NO. 2646, by Senator Beck:

An Act relating to presidential primaries; and adding a new chapter to chapter 9, Laws of 1965 and to Title 29 RCW.
 Referred to Committee on Constitution and Elections.

SENATE BILL NO. 2647, by Senators Beck and Walgren:

An Act authorizing transfer of certain public lands from the state of Washington to Kitsap county; and creating new sections.
 Referred to Committee on Natural Resources.

SENATE BILL NO. 2648, by Senators Pullen, Day, Clarke and Morrison:

An Act relating to controlled substances; amending section 69.50.401, chapter 308, Laws of 1971 ex. sess. as amended by section 1, chapter 2, Laws of 1973 2nd ex. sess. and RCW 69.50.401; amending section 69.50.408, chapter 308, Laws of 1971 ex. sess. and RCW 69.50.408; repealing section 2, chapter 2, Laws of 1973 2nd ex. sess. and RCW 69.50.410; and prescribing penalties.
 Referred to Judiciary Committee.

SENATE BILL NO. 2649, by Senators Talley and Odegaard:

An Act relating to salaries of county officers; and amending section 36.17.020, chapter 4, Laws of 1963 as last amended by section 2, chapter 88, Laws of 1973 1st ex. sess. and RCW 36.17.020.
 Referred to Committee on Local Government.

There being no objection, the rules were suspended and additional sponsors were permitted on the following Senate bills: 2645 and 2648.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 71, by Committee on Social and Health Services (originally sponsored by Representatives Adams and Savage) (by Committee on Social and Health Services of the Forty-third Legislature request):

Regulating acupuncture.
 Referred to Committee on Social and Health Services.

ENGROSSED HOUSE BILL NO. 155, by Representatives Seeberger, Smith (Rick), Knowles and Eikenberry:

Defining duties of the prosecuting attorney authorizing the employment of special deputy prosecutors under certain circumstances.
 Referred to Judiciary Committee.

ENGROSSED HOUSE BILL NO. 245, by Representatives Charette, Moon, Smith (Edward) and Randall:

Prohibiting county assessors from engaging in private appraising.
 Referred to Committee on Local Government.

ENGROSSED HOUSE BILL NO. 410, by Representative Charette:

Authorizing port and public utility districts to pay costs of defense for officers and employees in actions arising out of performance of their duties.
 Referred to Committee on Local Government.

SECOND READING

SENATE BILL NO. 2268, by Senators Rasmussen, Scott and Bailey (by State Treasurer request):

Directing the investment of current state funds.

REPORT OF STANDING COMMITTEE

February 5, 1975.

SENATE BILL NO. 2268, directing the investment of current state funds (reported by Committee on State Government):

Recommendation: Do pass with the following amendment:

On page 1, line 12, after "reinvest" and before "such" insert "*for a period not to exceed one year.*"

Signed by: Senators Rasmussen, Chairman; Buffington, Cunningham, Day, Henry, Knoblauch, Wanamaker.

The bill was read the second time by sections.

On motion of Senator Rasmussen, the committee amendment was not adopted.

Senator Cunningham moved that the following amendments be considered and adopted simultaneously:

On page 1, line 11, after "committee" and before "may" strike "*as determined by the state treasurer.*"

On page 1, line 14, after the colon insert:

"PROVIDED, That the investment and reinvestment authority of the state treasurer when acting without the consent of the state finance committee shall be limited to legally eligible investments which mature in a period of one hundred eighty days or less."

Debate ensued.

POINT OF INQUIRY

Senator Lewis (Harry): "Will Senator Rasmussen yield to a question? Senator, if you would take a look at the bill, on line 11, I wonder if you could tell me what is intended by the new language, the words 'as determined by the State Treasurer.' Could you tell me what that means?"

Senator Rasmussen: "It means just exactly that, that the State Treasurer's office is presently handling these funds, that it is necessary that they move on them at the time when the allocations are made available, so it is continuing the practice but now saying that the determination will be made by them on a daily basis."

Senator Lewis (Harry): "Yes, I understand that. I am wondering whether the language, number one, is necessary. If it is necessary, does it include the determination of the amount of cash flow dollars to be invested? If it does that, does it have a broader meaning to mean the securities or bills that would be purchased; and thirdly, does it mean anything in addition to that or could it? The language bothers me, Senator, that is the reason I am asking the question, because Senator Cunningham suggests we strike it, and I wonder if you could explain that to me. I am a little fuzzy on it."

Senator Rasmussen: "I am very sorry about that, Senator Lewis. But it is necessary for the Treasurer to make the determination on the cash balances and what they have available. You remember that we provided that the state funds should earn all the interest possible. At one time, of course, they were in what you call 'call money' and they earned no interest. Now it is necessary to invest these daily; what is not needed for long term investments, what is also certain bond investments that are not being needed at the present time, but the cash flow is the thing that he has to handle daily, as we provided by law."

Senator Lewis (Harry): "Senator Rasmussen, if you look at line 10, you have given that authority. 'Whenever there is any fund or cash balance from the state treasury more than sufficient to meet the current expenditures properly payable therefor the State Treasurer or the State Finance Committee may invest or reinvest,' etc. Now I think that already gives it to him and I am not trying to nit pick but I wonder what the need for that language is when we already give it to him. Unless you can tell me specifically, it seems to me that Senator Cunningham has a point."

MOTION

On motion of Senator Mardesich, the question was divided.

REMARKS BY SENATOR WOODY

Senator Woody: "Senator Lewis, one of the things that presents a problem is that when it says the State Treasurer or the State Finance Committee, if you strike 'as determined by the State Treasurer' then on a daily cash basis as to who is going to invest in what and make the determination as to whether there are excessive cash balances daily is going to be divided between two entities; and one person is going to say this and then he is going to call up and find the other outfit a half an hour earlier did something else. So there has to be one body, either one or the other, to make that determination. You cannot say the State Treasurer or the State Finance Committee, period, because then neither one is going to know on a daily basis what the other has already done."

MOTIONS

On motion of Senator Lewis (Harry), Senate Bill No. 2268, together with the pending amendments by Senator Cunningham, was ordered placed at the end of today's second reading calendar.

On motion of Senator Herr, Senate Bill No. 2028 was ordered to hold its place on the second reading calendar for Wednesday, February 19, 1975.

THIRD READING

ENGROSSED SENATE BILL NO. 2385, by Senators Rasmussen, Sandison and Peterson:

Making certain changes in the laws relating to the Yacolt burn.

MOTION

On motion of Senator Lewis (Harry), the rules were suspended and Engrossed Senate Bill No. 2385 was returned to second reading.

On motion of Senator Lewis (Harry), the following amendment by Senators Lewis (Harry) and Donohue was adopted:

On page 1, line 13, after "forest area" and before "for" insert "*described in RCW 76.14.020*", and on line 15 after "*to*" and before "*state-owned*" insert "*such*".

On motion of Senator Mardesich, the rules were suspended, Reengrossed Senate Bill No. 2385 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. 2385, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bailey, Beck, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—46.

Excused: Senators Benitz, Day, Donohue—3.

REENGROSSED SENATE BILL NO. 2385, having received the 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. 2088, by Senators Talley and Peterson:
Requiring license for smelt dealers.

MOTIONS

On motion of Senator Bottiger, the rules were suspended and Substitute Senate Bill No. 2088 was returned to second reading.

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

On page 2, line 5, after "smelt" strike all the matter down through "75.28.095" on line 7, and insert "[: PROVIDED, That this section does not apply to owners or operators licensed pursuant to RCW 75.28.085 or owners licensed pursuant to RCW 75.28.095]".

On motion of Senator Bottiger, the rules were suspended, Engrossed Substitute Senate Bill No. 2088 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. 2088, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bailey, Beck, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—46.

Excused: Senators Benitz, Day, Donohue—3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2088, having received the 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

HOUSE BILL NO. 100, by Representatives Luders, Newhouse, Charette, Pardini, Martinis, Kilbury, Berentson, Ceccarelli, Hansey, Laughlin, Wilson and Matthews:
Providing for bond financing of pollution control and industrial development.

MOTION

Senator Mardesich: "I move that House Bill No. 100 retain its place on tomorrow's second reading calendar."

REMARKS BY SENATOR MARDESICH

Senator Mardesich: "By way of explanation, there is an amendment on your desk now, proposed by Senator Washington, and has raised such question that I believe it would be advisable that the members check on the amendment and determine what it does prior to voting on this measure."

PARLIAMENTARY INQUIRY

Senator Lewis (Harry): "Did I understand that the bill is on third reading and it will be on third reading tomorrow? Is that correct?"

REPLY BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "That is correct."

PERSONAL PRIVILEGE

Senator Guess: "Mr. President, I think that we are unduly swayed in this particular action, that the bill deserves passage. The purpose of the bill will certainly be damaged if we do not go ahead and pass it. I recognize that Senator Mardesich is perfectly within the bounds to do this and let us look at it another day, but I have looked at the amendment and I see that it is an interjection of additional material and that if we seriously look at the bill and the purposes of the bill, then I think we ought to take as expeditious action tomorrow on passage of the bill without amendment as we can because this certainly has a definite bearing upon the economic ability of the various corporations in the state of Washington to meet the environmental demands and the cost of the environmental protections that we have mandated against them and I would like very much for us all to take a hard look at the delay in passing of the bill. I made some statements in the State Government Committee yesterday that at the present moment, using the Engineering News Record Survey of September and the other factors that I have been able to put together since coming to Olympia, that there are some six billion three hundred million dollars worth of work being held up in the state of Washington for environmental concern. We now have eleven point one percent unemployment factor. Just this morning on TV Mr. Meany and the Miami and the AFL-CIO convention cautioned the people there that if something did not happen, that the United States would be on — we would have at least ten percent unemployment. And using the historic relationship between the national unemployment factor and the Washington unemployment factor, I predict that the state of Washington will reach fourteen to fifteen percent unemployment unless something is done and done in a hurry by this session of the legislature in order that we change the environmental laws that we have on the books. I cannot understand why more of my colleagues are not worried about the conditions that are occurring, the slowdowns, the lack of ability on the part of management to put prime construction jobs under way and relieve the unemployment situation.

"To the best of my ability and the information that I have, the unemployment factor today in the construction industry has reached fifteen percent. In certain areas, I know in Senator Bailey's area, that the unemployment factor is closer to twenty-five percent. By the dilatory manner in which we have gone about this and the way that we have fought this thing down the line, a bill that was accepted almost unanimously by the House, and we have had it before us now for over a week. I urge each of you to take a good hard look at the direction the state of Washington is going. I pointed out yesterday that the Fluor Corporation had some three hundred million dollars worth of work to subcontract. They wanted to put it into the state of Washington. They were unable to do so because after they got the equipment built they could not load it out. It required the dredging of about a fifteen foot channel in connection with a special pier that would have to be built. This work is now being done in Houston, Texas. It is less expensive for them to build the equipment in Texas, put it on the seagoing barges, take it down through the Panama Canal and take it all the way to Alaska. Gentlemen, if we do not watch, all of the oil that is being produced on the North Slope will bypass the state of Washington. I cannot urge upon you too strongly the gravity of the situation. I talked to some people out of Fairbanks on Thursday of last week and they told me in no uncertain terms that those people up there, the Alyeska and the other people on the oil-handling facilities are getting completely fed up with the state of Washington and the inability of the state of Washington to respond to the need of moving this material."

REMARKS BY SENATOR MARDESICH

Senator Mardesich: "Mr. President, ladies and gentlemen of the Senate, I have no argument with Senator Guess's remarks with respect to the state of the economy, but I think those of us who were here when this bill was passed understood it to be a bill which allowed certain tax credit and financing rights by virtue of companies investing in facilities designed for pollution control. I do not think there is anyone that questions whether

that was the intent of the legislature. A question has been raised whether, in fact, the application of the measure has gone beyond the financing of pollution control facilities and in fact extended into facilities other than pollution control. If so, then we are giving a tax credit or benefit by virtue of the financing arrangement which was beyond the intent of this legislature. I am not sure that Senator Washington's amendment cures that problem. If it does, I would suggest it is a good amendment. If it does not, then I would suggest that the amendment be not adopted. But I do not think that in the name of trying to get a little more employment for people we should now give away the authority of this state, the credit of this state, to industry for other than what we intended it to be; namely, pollution control facilities. And I would suggest that if you want this bill to die, period, that you continue to push and not give us a chance to review this amendment."

Debate ensued.

POINT OF ORDER

Senator Lewis (Harry): "Mr. President, what is before the body now?"

REPLY BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "The motion that the bill be held over until tomorrow."

Senator Lewis (Harry): "Your gavel did not strike?"

President Pro Tempore Henry: "No."

Further debate ensued.

The motion by Senator Mardesich carried. House Bill No. 100 was ordered to hold its place on the third reading calendar for Wednesday, February 19, 1975.

THIRD READING

ENGROSSED SENATE BILL NO. 2116, by Senators Newschwander, Washington and von Reichbauer:

Providing for recovery of certain leave benefits upon returning to employment with school districts.

MOTION

Senator Newschwander moved the rules be suspended and Engrossed Senate Bill No. 2116 be returned to second reading.

Debate ensued.

The motion by Senator Newschwander carried and Engrossed Senate Bill No. 2116 was returned to second reading.

Senator Newschwander moved adoption of the following amendment:

On page 2, line 23, after "person" insert "*holding certification*".

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Would Senator Stortini yield to a question? Senator Stortini, as chairman of the committee, is it your findings that the classified as against the certified — which group has the most pregnancies?"

Senator Stortini: "I do not have any statistics on that. Let me just say that in teaching where we have forty-two thousand teachers, the majority are women. When we talk about classified, I believe it is thirty-five to forty percent that are women. Your lunch room help, your school bus drivers, and ohere are some female custodians. I do not have any statistics as to how many have been pregnant in the last few years."

Senator Rasmussen: "One further question, Senator Stortini. Evidently there are pregnancies in both groups then. I fail to understand why we should treat the groups differently, but I also fail to understand — the present bill does not say for pregnancy. It says a person that leaves, which is assuming that you are quitting the job. Now as I understand the pregnancy, the law specifies that they can get a leave of absence. But this is not a quit. And any person who quits in any job makes that determination that he leaves

whatever fringe benefits he has behind him other than pension benefits with which he vests after a certain period of years. Now if some school districts are giving this accumulated leave, they are in effect violating the Constitution because they have no right to do that with what is presumably largely state funds. And I can understand Senator Newschwander's concern where maybe thirty-five people are not getting this gift that is being made to all the rest of the people who quit. I do not know, and Senator Grant is very familiar with working agreements and I do not recall any that we had that give that. Some by reason of retirement get twenty-five percent of their accumulated leave as compensation at the end of their work service."

Senator Stortini: "Senator, at the present time most school districts already credit the leave and there has been no problem in the areas that you seem to be concerned about."

Debate ensued.

The motion by Senator Newschwander failed and the amendment was not adopted on a rising vote.

On motion of Senator Mardesich, the rules were suspended, Engrossed Senate Bill No. 2116 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 Senate Bill No. 2116, and the bill failed to pass the Senate by the following vote: Yeas, 15; nays, 30; absent or not voting, 1; excused, 3.

Voting yea: Senators Bailey, Francis, Goltz, Herr, Keefe, Lewis (Harry), Matson, McDermott, Morrison, Murray, Newschwander, Stortini, Walgren, Wanamaker, Washington—15.

Voting nay: Senators Beck, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Fleming, Gould, Grant, Guess, Henry, Jolly, Jones, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Van Hollebeke, von Reichbauer, Wilson, Woody—30.

Absent or not voting: Senator Talley—1.

Excused: Senators Benitz, Day, Donohue—3.

ENGROSSED SENATE BILL NO. 2116, having failed to receive the constitutional majority, was declared lost.

MOTIONS

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

On motion of Senator Fleming, the Committee on Local Government was relieved from further consideration of Engrossed House Bill No. 187.

On motion of Senator Fleming, Engrossed House Bill No. 187 was referred to the Committee on Transportation and Utilities.

PERSONAL PRIVILEGE

Senator Fleming: "Mr. President, I asked the body last week to allow me to use the chambers on February 25 for a land use planning hearing. I want to cancel that and ask the body that permission at a later date. Many of the local government officials who would be attending will be back in Washington, D.C. that week and so I will come back to the body and ask for another date at a later time."

MOTION

At 12:12 p.m., on motion of Senator Mardesich, the Senate adjourned until 11:00 a.m., Wednesday, February 19, 1975.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

THIRTY-EIGHTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, February 19, 1975.

The Senate was called to order at 11:00 a.m. by President Pro Tempore Henry. The Secretary called the roll and announced to the President that all Senators were present except Senators Benitz, Goltz, Talley and Walgren. On motion of Senator Knoblauch, Senators Goltz, Talley and Walgren were excused. On motion of Senator Lewis (R. H. "Bob"), Senator Benitz was excused.

The Color Guard, consisting of Pages Tammy Thomas and Andrew Vermes, presented the Colors. Reverend Wallace F. Misterek, pastor of Trinity Lutheran Church of Olympia, offered the following prayer:

"MIGHTY GOD OF HISTORY, WE REFLECT UPON YOUR PAST. WE ARE SOMETIMES AMAZED AND PERPLEXED BY YOUR SHAPING OF THE PRESENT. WE ANTICIPATE WITH TIP-TOE EXPECTANCY THE FUTURE YOU CHOOSE TO MAKE PRESENT. FORGIVE US FOR THE TIMES WE HAVE MISREAD THE PAST AND HAVE TAKEN TOO MUCH REST IN ITS ACCOMPLISHMENTS. FORGIVE US FOR OUR FAILURE TO MAKE THE MOST OF THE PRESENT AND SEIZING EACH OPPORTUNITY FOR SIMPLE SERVICE. FORGIVE US FOR OUR LACK OF CONCERN FOR THE FUTURE OR OUR TOO GREAT DEPENDENCE TO DO IN TIME NOT YET GIVEN. WE THANK YOU FOR THE DETERMINATION, DEDICATION AND SACRIFICE OF THE CIVIL SERVANTS OF THIS NATION AND THIS COMMONWEALTH IN DAYS AND YEARS PAST. WE THANK YOU FOR THE CAPABLE MEN AND WOMEN OF VARYING POLITICAL PERSUASIONS OF THESE DAYS WE NOW CALL PRESENT; AND WE THANK YOU FOR THE PROMISE OF YOUR ABIDING PRESENCE IN THE GOOD TIMES AND BAD WE NAME AS FUTURE. PLEASE GIVE THIS BODY THE WISDOM AND PERCEPTION TO PRESERVE, CONTINUE AND ENHANCE THAT WHICH IS GOOD FROM THE PAST. GIVE GUIDANCE TO THIS ASSEMBLED BODY TO DISCERN AND IMPLEMENT THAT WHICH IS GOOD AND NECESSARY FOR TODAY, AND MOVE US INTO A FUTURE WHERE OUR LEGISLATIVE CONTRIBUTION TO SOCIETY WILL HELP ALL PERSONS IN THIS GREAT STATE TO ENJOY THE RIGHTS YOU GIVE THEM; THE RIGHT TO HAVE, THE RIGHT TO BELONG, THE RIGHT TO BE. IN THE NAME OF CHRIST WHO BECAME HUMAN TO FREE US TO BE TRULY HUMAN. AMEN."

MOTION

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

APPOINTMENT OF SPECIAL COMMITTEE

President Pro Tempore Henry announced the presence in the office of the Lieutenant Governor, Steve Lemmons of Kelso, Washington, President of the Washington State Chapter of the Future Farmers of America and appointed Senators Sellar, Morrison, Jolly and Odegaard to escort the honored guest to the Senate Rostrum.

With permission of the Senate, business was suspended to permit President Lemmons to address the Senate.

MOTION

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

SENATE RESOLUTION 1975-14

By Senators Odegaard, Talley, Morrison, Sellar, Jolly and Henry:

WHEREAS, "Learning to Do, Doing to Learn, Earning to Live, and Living to Serve" is the inspirational motto of the Future Farmers of America; and

WHEREAS, Future Farmers of America is a national organization for students preparing for careers in agricultural production, processing, supply and service, mechanics, horticulture, forestry, and natural resources; and

WHEREAS, There are over seven thousand Washington members preparing themselves for those vital and challenging careers in industries which are necessary to the economic well-being of our state; and

WHEREAS, Through participation in FFA activities young men and women interested in all aspects of agricultural industry learn how to speak in public, conduct and take part in meetings, handle financial matters, solve their own problems, and assume civic responsibility; and

WHEREAS, Washington members have set a goal to increase participation and membership in their organization; and

WHEREAS, FFA is considered to be and is classified as an integral part of the vocational-agricultural program rather than an extracurricular activity;

NOW, THEREFORE, BE IT RESOLVED, By the Senate that the Future Farmers of America continue their outstanding activities and programs which are beneficial to all the people of our state;

BE IT FURTHER RESOLVED, That the Secretary of the Senate send copies of this resolution to the state headquarters of FFA and to: Steve Lemmons, Kelso, president; Chris Crimmons, Castle Rock, vice-president; Randy Mullen, Pasco, secretary; Brad Hodges, Rosalia, treasurer; John Burnette, Dayton, reporter; and Bob Haberman, Ellensburg, sentinel.

President Pro Tempore Henry introduced Gene Forrester, Assistant Advisor of the Washington State Future Farmers of America.

The committee of honor escorted President Steve Lemmons from the Senate Chamber to the office of the Lieutenant Governor, and the committee was discharged.

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

REPORTS OF STANDING COMMITTEES

January 23, 1975.

SENATE BILL NO. 2024, changing certain hearing requirements regarding franchises along public highways (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass.

Signed by: Senators Walgren, Chairman; Beck, Bluechel, Bottiger, Guess, Jolly, Knoblauch, Morrison, Sellar, Wanamaker.

Passed to Committee on Rules for second reading.

February 18, 1975.

SENATE BILL NO. 2043, setting forth a program to provide proper nutrition for school children (reported by Committee on Education):

MAJORITY recommendation: That Substitute Senate Bill No. 2043 be substituted therefor and the substitute bill do pass.

Signed by: Senators Stortini, Chairman; Gould, McDermott, Murray, von Reichbauer.

Passed to Committee on Rules for second reading.

February 18, 1975.

SENATE BILL NO. 2106, requiring life-cycle cost analysis for major facilities (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass.

Signed by: Senators Walgren, Chairman; Beck, Bluechel, Bottiger, Guess, Keefe, Sellar, Stortini, Wanamaker.

Passed to Committee on Rules for second reading.

February 18, 1975.

SENATE BILL NO. 2121, authorizing state board of education regulations relating to the progress of public school pupils' educational programs and the records kept thereon (reported by Committee on Education):

Recommendation: That Substitute Senate Bill No. 2121 be substituted therefor and the substitute bill do pass.

Signed by: Senators Stortini, Chairman; Francis, Gould, McDermott, Murray, Newschwander, von Reichbauer.

Passed to Committee on Rules for second reading.

February 18, 1975.

SENATE BILL NO. 2131, permitting cemetery authorities to make deposits in federal credit unions and federal savings and loan associations (reported by Committee on Financial Institutions):

MAJORITY recommendation: Do pass.

Signed by: Senators Woody, Chairman; Bluechel, Clarke, Jones.

Passed to Committee on Rules for second reading.

February 18, 1975.

SENATE BILL NO. 2151, extending powers of local governments (reported by Committee on Local Government):

MAJORITY recommendation: That Substitute Senate Bill No. 2151 be substituted therefor and the substitute bill do pass.

Signed by: Senators Fleming, Chairman; Jolly, McDermott, North, Sellar, Talley.

MINORITY recommendation: Do not pass.

Signed by: Senators Lewis (R. H. "Bob"), Wilson.

Passed to Committee on Rules for second reading.

January 24, 1975.

SENATE BILL NO. 2159, pertaining to motor vehicle fuel taxes (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: That Substitute Senate Bill No. 2159 be substituted therefor and the substitute bill do pass.

Signed by: Senators Walgren, Chairman; Henry, Vice Chairman; Beck, Bottiger, Guess, Jolly, Knoblauch, Sellar, Stortini, Talley, Wanamaker.

MINORITY recommendation: Do not pass.

Signed by: Senator Bluechel.

Passed to Committee on Rules for second reading.

February 18, 1975.

SENATE BILL NO. 2191, authorizing retired and disabled persons to defer special assessments upon their residence (reported by Committee on Local Government):

MAJORITY recommendation: That Substitute Senate Bill No. 2191 be substituted therefor and the substitute bill do pass.

Signed by: Senators Fleming, Chairman; Jolly, Lewis (R. H. "Bob"), McDermott, North, Sellar, Talley, Wilson.

Passed to Committee on Rules for second reading.

February 18, 1975.

SENATE BILL NO. 2238, authorizing municipal corporations and political subdivisions to purchase liability insurance for their officers, agents, and employees (reported by Committee on Local Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Fleming, Chairman; Jolly, Lewis (R. H. "Bob"), McDermott, North, Sellar, Talley, Wilson.

Passed to Committee on Rules for second reading.

February 18, 1975.

SENATE BILL NO. 2249, providing for the qualification and regulation of public depositaries (reported by Committee on Financial Institutions):

MAJORITY recommendation: That Substitute Senate Bill No. 2249 be substituted therefor and the substitute bill do pass.

Signed by: Senators Woody, Chairman; Bluechel, Clarke, Jones.

Passed to Committee on Rules for second reading.

February 13, 1975.

SENATE BILL NO. 2272, providing for support of adoption of hard-to-place children (reported by Committee on Social and Health Services).

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; von Reichbauer, Vice Chairman; Cunningham, Francis, North, Pullen, Ridder, Van Hollebeke.

Passed to Committee on Rules for second reading.

February 18, 1975.

SENATE BILL NO. 2310, providing for paying savings and loan accounts to foreign executors in the same manner as for other banks (reported by Committee on Financial Institutions):

MAJORITY recommendation: Do pass.

Signed by: Senators Woody, Chairman; Bluechel, Clarke, Jones.

Passed to Committee on Rules for second reading.

February 18, 1975.

SENATE BILL NO. 2343, requiring accident reports for bicyclists (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Walgren, Chairman; Beck, Bluechel, Bottiger, Guess, Jolly, Knoblauch, Morrison, Sellar, Wanamaker.

Passed to Committee on Rules for second reading.

February 18, 1975.

SENATE BILL NO. 2350, defining bicycles as vehicles for purpose of "Rules of the Road" (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Walgren, Chairman; Beck, Bottiger, Guess, Jolly, Knoblauch, Morrison, Peterson, Sellar.

Passed to Committee on Rules for second reading.

February 18, 1975.

SENATE BILL NO. 2402, permitting port district commissioners to delegate authority to managing official (reported by Committee on Local Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Fleming, Chairman; Jolly, Lewis (R. H. "Bob"), McDermott, North, Sellar, Talley, Wilson.

Passed to Committee on Rules for second reading.

February 18, 1975.

SENATE BILL NO. 2453, granting criminal justice training commission power to lease facilities (reported by Committee on Local Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Fleming, Chairman; Jolly, McDermott, North, Sellar, Talley, Wilson.

Passed to Committee on Rules for second reading.

February 18, 1975.

ENGROSSED HOUSE JOINT RESOLUTION NO. 19, proposing constitutional amendment allowing legislature to provide assistance to all private and public school students (reported by Committee on Education):

MAJORITY recommendation: Do pass.

Signed by: Senators Stortini, Chairman; Francis, McDermott, Murray.

Passed to Committee on Rules for second reading.

INTRODUCTION AND FIRST READING

SENATE BILL NO. 2650, by Senator Bailey:

An Act relating to county budgets; adding a new section to chapter 4, Laws of 1963 and to chapter 36.40 RCW; and declaring an emergency.

Referred to Committee on Local Government.

SENATE BILL NO. 2651, by Senators Buffington, Morrison and Beck:

An Act relating to public highways; creating new sections; making an appropriation; and declaring an emergency.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 2652, by Senators Rasmussen and Cunningham:

An Act relating to children; and adding new sections to chapter 26.28 RCW.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2653, by Senator Walgren:

An Act relating to insurance; amending section 4, chapter 119, Laws of 1974 ex. sess. and RCW 48.44.240; and amending section 5, chapter 119, Laws of 1974 ex. sess. and RCW 48.21.190.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2654, by Senators Odegaard and Benitz (by Superintendent of Public Instruction request):

An Act relating to the excise tax on real estate sales for school purposes; and amending section 28A.45.050, chapter 223, Laws of 1969 ex. sess. and RCW 28A.45.050.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2655, by Senators Cunningham, North and Morrison:

An Act relating to public officers and agencies; and adding a new section to chapter 42.04 RCW.

Referred to Committee on Local Government.

SENATE BILL NO. 2656, by Senators Ridder, Stortini, McDermott, Knoblauch, Marsh, Bottiger, Goltz, von Reichbauer, Wanamaker and North:

An Act relating to consumer commodities; creating a new section; and prescribing penalties.

Referred to Committee on Commerce.

SENATE BILL NO. 2657, by Senators North and Ridder:

An Act relating to public health and safety; and amending section 1, chapter 164, Laws of 1969 ex. sess. and RCW 70.24.110.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2658, by Senator Goltz, North and McDermott:

An Act relating to institutions of higher education; creating new sections; 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. 2659, by Senator Pullen:

An Act relating to prison terms; amending section 5, chapter 133, Laws of 1955 as amended by section 2, chapter 138, Laws of 1961 and RCW 9.95.040; and prescribing penalties.

Referred to Judiciary Committee.

SENATE BILL NO. 2660, by Senators North and Bluechel:

An Act relating to open space; amending section 2, chapter 243, Laws of 1971 ex. sess. and RCW 84.34.210; amending section 3, chapter 243, Laws of 1971 ex. sess. and RCW 84.34.220; and amending section 43, chapter 149, Laws of 1967 ex. sess. as amended by section 1, chapter 112, Laws of 1973 and RCW 84.36.260.

Referred to Committee on Ecology.

SENATE BILL NO. 2661, by Senator Beck:

An Act relating to investments; and amending section 12, chapter 103, Laws of 1973 1st ex. sess. and RCW 43.04.150.

Referred to Committee on State Government.

SENATE BILL NO. 2662, by Senator Fleming:

An Act relating to agricultural labor relations; adding a new chapter to Title 49 RCW; and prescribing penalties.

Referred to Committee on Labor.

SENATE BILL NO. 2663, by Senators North and McDermott:

An Act relating to licensing of physicians; and amending section 1, chapter 189, Laws of 1959 as last amended by section 1, chapter 4, Laws of 1973 1st ex. sess. and RCW 18.71.095.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2664, by Senators Walgren, Beck and Sandison:

An Act relating to state government; creating the Hood Canal commission; adding a new chapter to Title 43 RCW; and declaring an emergency.

Referred to Committee on State Government.

SENATE BILL NO. 2665, by Senators Matson, Lewis (Harry), Newschwander, Lewis (R. H. "Bob"), Jones and Morrison:

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 Labor.

SENATE BILL NO. 2666, by Senators Beck and Guess:

An Act relating to motor vehicle excise taxes; amending section 82.44.020, chapter 15, Laws of 1961 as amended by section 2, chapter 199, Laws of 1963 and RCW 82.44.020; amending section 82.44.110, chapter 15, Laws of 1961 as last amended by section 3, chapter 54, Laws of 1974 ex. sess. and RCW 82.44.110; declaring an emergency; and prescribing an effective date.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2667, by Senators Benitz, Jolly and Cunningham:

An Act relating to wine wholesalers and manufacturers; and amending section 14, chapter 21, Laws of 1969 ex. sess. as amended by section 3, chapter 275, Laws of 1969 ex. sess. and RCW 66.28.025.

Referred to Committee on State Government.

SENATE BILL NO. 2668, by Senators Morrison, Van Hollebeke, Benitz and Ridder:

An Act relating to alcoholic beverages; and amending section 30, chapter 62, Laws of 1933 ex. sess. as last amended by section 7, chapter 21, Laws of 1969 ex. sess. and RCW 66.28.040.

Referred to Committee on State Government.

SENATE BILL NO. 2669, by Senators Morrison, Odegaard and Benitz:

An Act relating to the taxation of wine; amending section 77, chapter 62, Laws of 1933 ex. sess. as last amended by section 1, chapter 75, Laws of 1967 ex. sess. and RCW 66.08.180; and amending section 24A 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.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2670, by Senator Rasmussen:

An Act relating to liquor licenses and taxes; amending section 2, chapter 13, Laws of 1970 ex. sess. as amended by section 2, chapter 208, Laws of 1971 ex. sess. and RCW 66.24.420; adding a new section to chapter 66.24 RCW; and repealing section 23L added to chapter 62, Laws of 1933 ex. sess. by section 1, chapter 217, Laws of 1937 and RCW 66.24.390.

Referred to Committee on State Government.

SENATE BILL NO. 2671, by Senators Fleming and Bluechel:

An Act relating to state purchasing from small businesses; adding new sections to chapter 178, Laws of 1959 and to chapter 43.19 RCW; and making an appropriation.

Referred to Committee on State Government.

SENATE BILL NO. 2672, by Senator Rasmussen:

An Act relating to motor vehicles; adding a new chapter to Title 46 RCW; adding a new section to chapter 169, Laws of 1963 and to chapter 46.29 RCW; making an appropriation; and providing an effective date.

Referred to Committee on Financial Institutions.

SENATE BILL NO. 2673, by Senators Odegaard and Lewis (Harry):

An Act relating to revenue and taxation; amending section 8, chapter 294, Laws of 1971 ex. sess. as last amended by section 2, chapter 187, Laws of 1974 ex. sess. and RCW 84.33.080.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2674, by Senator Walgren:

An Act relating to public contracts; amending section 1, chapter 258, Laws of 1971 ex. sess. and RCW 28B.10.350; amending section 2, chapter 183, Laws of 1923 as

amended by section 1, chapter 70, Laws of 1967 and RCW 39.04.020; and amending section 47.28.030, chapter 13, Laws of 1961 as last amended by section 1, chapter 116, Laws of 1973 and RCW 47.28.030.

Referred to Committee on Higher Education.

SENATE BILL NO. 2675, by Senator Lewis (R. H. "Bob"):

An Act relating to cities and towns; adding a new section to chapter 35.13 RCW; and prescribing an expiration date.

Referred to Committee on Local Government.

SENATE BILL NO. 2676, by Senators Fleming, Talley and Lewis (R. H. "Bob"):

An Act relating to the optional municipal code; amending section 35A.02.010, chapter 119, Laws of 1967 ex. sess. and RCW 35A.02.010; amending section 35A.02.020, chapter 119, Laws of 1967 ex. sess. and RCW 35A.02.020; amending section 35A.02.030, chapter 119, Laws of 1967 ex. sess. and RCW 35A.02.030; amending section 35A.02.040, chapter 119, Laws of 1967 ex. sess. as amended by section 1, chapter 52, Laws of 1970 ex. sess. and RCW 35A.02.040; amending section 35A.02.050, chapter 119, Laws of 1967 ex. sess. as last amended by section 1, chapter 251, Laws of 1971 ex. sess. and RCW 35A.02.050; amending section 35A.02.110, chapter 119, Laws of 1967 ex. sess. and RCW 35A.02.110; amending section 35A.02.120, chapter 119, Laws of 1967 ex. sess. and RCW 35A.02.120; amending section 35A.02.140, chapter 119, Laws of 1967 ex. sess. and RCW 35A.02.140; amending section 35A.03.010, chapter 119, Laws of 1967 ex. sess. and RCW 35A.03.010; amending section 35A.04.020, chapter 119, Laws of 1967 ex. sess. and RCW 35A.04.020; amending section 35A.04.070, chapter 119, Laws of 1967 ex. sess. and RCW 35A.04.070; amending section 35A.04.080, chapter 119, Laws of 1967 ex. sess. and RCW 35A.04.080; amending section 35A.06.030, chapter 119, Laws of 1967 ex. sess. as amended by section 13, chapter 251, Laws of 1971 ex. sess. and RCW 35A.06.030; amending section 35A.06.050, chapter 119, Laws of 1967 ex. sess. and RCW 35A.06.050; amending section 35A.06.060, chapter 119, Laws of 1967 ex. sess. and RCW 35A.06.060; amending section 35A.11.040, chapter 119, Laws of 1967 ex. sess. and RCW 35A.11.040; amending section 1, chapter 81, Laws of 1973 1st ex. sess. and RCW 35A.11.080; amending section 35A.12.010, chapter 119, Laws of 1967 ex. sess. and RCW 35A.12.010; amending section 35A.12.030, chapter 119, Laws of 1967 ex. sess. and RCW 35A.12.030; amending section 35A.12.040, chapter 119, Laws of 1967 ex. sess. as amended by section 3, chapter 52, Laws of 1970 ex. sess. and RCW 35A.12.040; amending section 35A.12.100, chapter 119, Laws of 1967 ex. sess. and RCW 35A.12.100; amending section 35A.12.110, chapter 119, Laws of 1967 ex. sess. and RCW 35A.12.110; amending section 35A.13.010, chapter 119, Laws of 1967 ex. sess. and RCW 35A.13.010; amending section 35A.13.040, chapter 119, Laws of 1967 ex. sess. and RCW 35A.13.040; amending section 35A.13.170, chapter 119, Laws of 1967 ex. sess. and RCW 35A.13.170; amending section 35A.14.220; chapter 119, Laws of 1967 ex. sess. as amended by section 26, chapter 195, Laws of 1973 1st ex. sess. and RCW 35A.14.220; amending section 35A.14.700, chapter 119, Laws of 1967 ex. sess. and RCW 35A.14.700; amending section 35A.29.090, chapter 119, Laws of 1967 ex. sess. and RCW 35A.29.090; amending section 35A.29.110, chapter 119, Laws of 1967 ex. sess. as amended by section 4, chapter 52, Laws of 1970 ex. sess. and RCW 35A.29.110; amending section 35A.29.120, chapter 119, Laws of 1967 ex. sess. and RCW 35A.29.120; amending section 35A.44.010, chapter 119, Laws of 1967 ex. sess. and RCW 35A.44.010; amending section 35A.63.110, chapter 119, Laws of 1967 ex. sess. and RCW 35A.63.110; adding a new section to chapter 119, Laws of 1967 ex. sess. and to chapter 35A.01 RCW; adding a new section to chapter 119, Laws of 1967 ex. sess. and to chapter 35A.90 RCW; adding new sections to chapter 119, Laws of 1967 ex. sess. and to chapter 35A.02 to be codified as RCW 35A.02.052 and 35A.02.054; repealing section 35A.06.080, chapter 119, Laws of 1967 ex. sess. and RCW 35A.06.080; and declaring an emergency.

Referred to Committee on Local Government.

There being no objection, the rules were suspended and additional sponsors were permitted on the following Senate bills: 2656, 2665 and 2668.

MOTION

At 11:25 a.m., on motion of Senator Mardesich, the Senate recessed until 12:30 p.m.

AFTERNOON SESSION

Vice President Pro Tempore Keefe called the Senate to order at 12:30 p.m.

MOTION

At 12:34 p.m., on motion of Senator Mardesich, the Senate adjourned until 11:00 a.m., Thursday, February 20, 1975.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

THIRTY-NINTH DAY**MORNING SESSION**

Senate Chamber, Olympia, Thursday, February 20, 1975.

The Senate was called to order at 11:00 a.m. by President Pro Tempore Henry. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Benitz and Walgren. On motion of Senator Knoblauch, Senator Walgren was excused.

The Color Guard, consisting of Pages Susan Kavanaugh and Louie Van Hollebeke, presented the Colors. Reverend Wallace F. Misterek, pastor of Trinity Lutheran Church of Olympia, offered the following prayer:

"OUR FATHER IN HEAVEN, YOU ARE A STRONG GOD WHO SUPPLIES STRENGTH. YOU ARE THE CREATING LORD WHO PROVIDES CREATIVITY. YOU ARE A LOVING GOD WHO DEMONSTRATES LOVE AND ENABLES US TO LOVE. YOU ARE A JUST GOD WHO REQUIRES JUSTICE AND MAKES IT POSSIBLE FOR US TO HELP EFFECT JUSTICE. WE PAUSE IN YOUR PRESENCE, ASKING YOU TO SUPPLY THESE AND ALL THE GOOD GIFTS WE NEED FOR THIS DAY'S TASK. FOR TASKS BEGUN BUT NOT YET DONE BECAUSE OF OUR PROCRASTINATION, WE ASK YOUR FORGIVENESS. FOR LOOKING AT THE WORLD WITH FILTERED VISION AND SEEING ONLY WHAT PLEASES, WE ASK YOUR FORGIVENESS. FOR THE TIMES WE HAVE USED PEOPLE INSTEAD OF SERVING THEM, WE ASK YOUR FORGIVENESS. WITH GRATEFUL HEARTS, WE ACKNOWLEDGE THE ABILITIES YOU HAVE PROVIDED THESE SENATORS TO FORMULATE JUST AND EQUITABLE LEGISLATION. WE THANK YOU FOR THE OPPORTUNITY YOU HAVE PROVIDED THESE INDIVIDUALS AND THIS BODY, COLLECTIVELY, TO SERVE AND FOR THE PEOPLE WHO HAVE TRUSTED THEM TO SERVE. AND CERTAINLY, LORD, WE THANK YOU FOR THE BEAUTY OF THIS DAY IN WHICH WE SERVE.

"PLEASE, DEAR GOD, GIVE THESE MEN AND WOMEN CLEAR HEADS, PERCEPTIVE MINDS, ANALYTIC ACUMEN, TO SORT OUT THE GOOD FROM THE BAD, THE NECESSARY FROM THE UNNECESSARY, TO DEVISE WAYS AND MEANS THAT WILL BRING TO BEAR THE VERY BEST OF HUMAN KNOWLEDGE IN DECISION MAKING AND PROBLEM SOLUTION. WE ACKNOWLEDGE AND CELEBRATE YOUR WILLINGNESS TO HEAR AND YOUR PROMISE TO HELP, MADE POSSIBLE IN JESUS CHRIST. AMEN."

MOTION

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

REPORTS OF STANDING COMMITTEES

February 19, 1975.

SENATE BILL NO. 2112, requiring the department of labor and industries to make electrical inspections of public schools (reported by Committee on Labor):

Recommendation: That Substitute Senate Bill No. 2112 be substituted therefor and the substitute bill do pass, and be referred to the Committee on Ways and Means.

Signed by: Senators Ridder, Chairman; Bailey, Grant, Matson, Morrison, Sellar, von Reichbauer.

There being no objection, Senate Bill No. 2112 was referred to the Committee on Ways and Means.

February 19, 1975.

SENATE BILL NO. 2209, providing for automatic resubmission of proposition to form a new school district under certain circumstances (reported by Committee on Constitution and Elections):

MAJORITY recommendation: Do pass.

Signed by: Senators Beck, Chairman; Grant, Lewis (R. H. "Bob"), Stortini, Washington.

Passed to Committee on Rules for second reading.

February 19, 1975.

SENATE BILL NO. 2251, requiring financial disclosure by appointed officials (reported by Committee on Constitution and Elections):

MAJORITY recommendation: That Substitute Senate Bill No. 2251 be substituted therefor and the substitute bill do pass.

Signed by: Senators Beck, Chairman; Grant, Stortini, Washington.

MINORITY recommendation: That Substitute Senate Bill No. 2251 be substituted therefor and the substitute bill do not pass.

Signed by: Senator Lewis, (R. H. "Bob").

Passed to Committee on Rules for second reading.

February 19, 1975.

SENATE BILL NO. 2281, permitting city retirement systems to merge with the public employees' retirement system (reported by Committee on State Government):

MAJORITY recommendation: That Substitute Senate Bill No. 2281 be substituted therefor and the substitute bill be referred to the Committee on Ways and Means.

Signed by: Senators Rasmussen, Chairman; Henry, Knoblauch, Wanamaker.

There being no objection, Senate Bill No. 2281 was referred to the Committee on Ways and Means.

February 19, 1975.

SENATE BILL NO. 2285, deleting general election days as state legal holiday (reported by Committee on State Government):

Recommendation: Do pass.

Signed by: Senators Rasmussen, Chairman; Buffington, Cunningham, Day, Henry, Knoblauch, Wanamaker.

Passed to Committee on Rules for second reading.

February 19, 1975.

SENATE BILL NO. 2290, appropriating funds to counties to aid in operation of criminal justice system (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; von Reichbauer, Vice Chairman; Buffington, Cunningham, Francis, Goltz, McDermott, North, Ridder.

Passed to Committee on Rules for second reading.

February 19, 1975.

SENATE BILL NO. 2446, expanding definition of "public bodies" that can participate in water supply bonds (reported by Committee on Ecology):

MAJORITY recommendation: Do pass.

Signed by: Senators Washington, Chairman; Donohue, Goltz, Guess, Murray, Sandison.

Passed to Committee on Rules for second reading.

February 19, 1975.

SENATE BILL NO. 2459, permitting vote by absentee ballot for persons not making their original registration before 30 days prior to an election or primary (reported by Committee on Constitution and Elections):

MAJORITY recommendation: That Substitute Senate Bill No. 2459 be substituted therefor and the substitute bill do pass.

Signed by: Senators Beck, Chairman; Grant, Stortini, Washington.

MINORITY recommendation: That Substitute Senate Bill No. 2459 be substituted therefor and the substitute bill do not pass.

Signed by: Senator Lewis (R. H. "Bob").

Passed to Committee on Rules for second reading.

February 20, 1975.

SENATE CONCURRENT RESOLUTION NO. 106, directing the house and senate committees on parks and recreation to conduct hearings on proposed land trades by the state parks and recreation commission (reported by Committee on Parks and Recreation):

Recommendation: Do pass.

Signed by: Senators Knoblauch, Chairman; Bailey, Gould, Odegaard, Wanamaker.

Passed to Committee on Rules for second reading.

February 19, 1975.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 24, permitting waiver of three-year residency requirement for admission to the state soldiers' home (reported by Committee on Social and Health Services.

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; von Reichbauer, Vice Chairman; Buffington, Cunningham, Goltz, Gould, McDermott, North, Ridder, Van Hollebeke.

Passed to Committee on Rules for second reading.

February 19, 1975.

HOUSE BILL NO. 48, exempting persons who render emergency care from civil liability under certain conditions (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; von Reichbauer, Vice Chairman; Buffington, Cunningham, Goltz, Gould, McDermott, North, Ridder, Van Hollebeke.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE HOUSE

February 18, 1975.

Mr. President: The Speaker has signed SENATE BILL NO. 2011, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

INTRODUCTION AND FIRST READING

SENATE BILL NO. 2677, by Senator Rasmussen:

An Act relating to abortion; and amending section 2, chapter 3, Laws of 1970 ex. sess. and RCW 9.02.070.

Referred to Judiciary Committee.

SENATE BILL NO. 2678, by Senator Bottiger:

An Act relating to workmen's compensation; and amending section 51.52.120, chapter 23, Laws of 1961 as amended by section 1, chapter 63, Laws of 1965 ex. sess. and RCW 51.52.120.

Referred to Committee on Labor.

SENATE BILL NO. 2679, by Senator Rasmussen (by Lieutenant Governor request):

An Act relating to certain appointed public officials; and adding new sections to chapter 1, Laws of 1973 and to chapter 42.17 RCW.

Referred to Committee on State Government.

SENATE BILL NO. 2680, by Senator Donohue (by Department of Social and Health Services request):

An Act relating to mentally and/or physically deficient persons and providing for financial responsibility; amending section 72.33.020, chapter 28, Laws of 1959 as amended by section 101, chapter 154, Laws of 1973 1st ex. sess. and RCW 72.33.020; amending section 72.33.130, chapter 28, Laws of 1959 and RCW 72.33.130; amending section 72.33.140, chapter 28, Laws of 1959 and RCW 72.33.140; amending section 72.33.150, chapter 28, Laws of 1959 and RCW 72.33.150; amending section 72.33.160, chapter 28, Laws of 1959 as amended by section 4, chapter 166, Laws of 1969 ex. sess. and RCW 72.33.160; amending section 72.33.170, chapter 28, Laws of 1959 and RCW 72.33.170; amending section 72.33.200, chapter 28, Laws of 1959 and RCW 72.33.200; amending section 72.33.220, chapter 28, Laws of 1959 and RCW 72.33.220; amending section 8, chapter 141, Laws of 1967 and RCW 72.33.685; adding new sections to chapter 28, Laws of 1959 and to chapter 72.33 RCW; creating new sections; repealing section 72.33.120, chapter 28, Laws of 1959, section 1, chapter 154, Laws of 1959 and RCW 72.33.120; repealing section 72.33.210, chapter 28, Laws of 1959 and RCW 72.33.210; repealing section 1, chapter 141, Laws of 1967 and RCW 72.33.650; repealing section 2, chapter 141, Laws of 1967, section 2, chapter 118, Laws of 1971 ex. sess. and RCW 72.33.655; repealing section 3, chapter 141, Laws of 1967 and RCW 72.33.660; repealing section 4, chapter 141, Laws of 1967, section 3, chapter 118, Laws of 1971 ex. sess. and RCW 72.33.665; repealing section 5, chapter 141, Laws of 1967, section 1, chapter 75, Laws of 1970 ex. sess. and RCW 72.33.670; repealing section 7, chapter 141, Laws of 1967 and RCW 72.33.680; repealing section 9, chapter 141, Laws of 1967 and RCW 72.33.690; repealing section 11, chapter 141, Laws of 1967 and RCW 72.33.695; repealing section 2, chapter 251, Laws of 1961, section 2, chapter 34, Laws of 1965, section 10, chapter 71, Laws of 1974 ex. sess. and RCW 72.33.805; repealing section 4, chapter 251, Laws of 1961, section 3, chapter 34, Laws of 1965, section 12, chapter 71, Laws of 1974 ex. sess. and RCW 72.33.815; and repealing section 2, chapter 166, Laws of 1969 ex. sess. and RCW 72.33.840.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2681, by Senators Fleming and Bottiger:

An Act relating to criminal justice records; adding a new chapter to Title 10 RCW; repealing section 7, chapter 152, Laws of 1972 ex. sess. and RCW 43.43.730; prescribing penalties; and providing an effective date.

Referred to Judiciary Committee.

SENATE BILL NO. 2682, by Senator Day:

An Act relating to health care; creating new sections; making an appropriation for a study of the feasibility of establishing a school of osteopathic medicine and surgery; and declaring an emergency.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2683, by Senators Day and von Reichbauer:

An Act relating to the support of emergency medical services; and adding new sections to chapter 79, Laws of 1947 and to chapter 48.14 RCW.

MOTION

On motion of Senator Mardesich, Senate Bill No. 2683 was referred to the Committee on Financial Institutions.

SENATE BILL NO. 2684, by Senators Buffington, von Reichbauer, Woody and Matson:

An Act relating to the sales of bullion and coins; adding a new chapter to Title 21 RCW; prescribing penalties; and declaring an emergency.

Referred to Committee on Financial Institutions.

SENATE BILL NO. 2685, by Senators Talley, Beck and Matson:

An Act relating to herring; adding a new section to chapter 75.28 RCW; and declaring an emergency.

Referred to Committee on Natural Resources.

SENATE BILL NO. 2686, by Senators Murray, Beck, Grant and McDermott:

An Act relating to revenue and taxation; amending section 82.08.020, chapter 15, Laws of 1961 as last amended by section 9, chapter 281, Laws of 1971 ex. sess. and RCW 82.08.020; amending section 82.08.030, chapter 15, Laws of 1961 as last amended by section 1, chapter 185, Laws of 1974 ex. sess. and RCW 82.08.030; amending section 82.12.020, chapter 15, Laws of 1961 as last amended by section 10, chapter 281, Laws of 1971 ex. sess. and RCW 82.12.020; amending section 82.12.030, chapter 15, Laws of 1961 as last amended by section 2, chapter 185, Laws of 1974 ex. sess. and RCW 82.12.030; adding a new section to chapter 15, Laws of 1961 and to chapter 82.32 RCW; adding a new section to chapter 94, Laws of 1970 ex. sess. and to chapter 82.14 RCW; and making an effective date.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2687, by Senators Marsh, Newschwander, Donohue and Odegaard:

An Act relating to salary and fringe benefit surveys; amending section 1, chapter 1, Laws of 1961 and RCW 41.06.010; amending section 15, chapter 1, Laws of 1961 as last amended by section 1, chapter 75, Laws of 1973 1st ex. sess. and RCW 41.06.150; amending section 16, chapter 1, Laws of 1961 and RCW 41.06.160; amending section 1, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.010; amending section 10, chapter 36, Laws of 1969 ex. sess. as last amended by section 2, chapter 75, Laws of 1973 1st ex. sess. and RCW 28B.16.100; amending section 11, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.110; adding a new section to chapter 28B.16 RCW; adding a new section to chapter 41.06 RCW; and declaring an emergency.

Referred to Committee on State Government.

SENATE BILL NO. 2688, by Senators Bottiger and Jolly:

An Act relating to public utility districts; amending section 7, chapter 278, Laws of 1957 as last amended by section 22, chapter 26, Laws of 1967 ex. sess. and RCW 54.28.010; amending section 10, chapter 278, Laws of 1957 and RCW 54.28.090; and adding a new section to chapter 52.36 RCW.

MOTION

On motion of Senator Mardesich, Senate Bill No. 2688 was referred to the Committee on Local Government.

SENATE BILL NO. 2689, by Senators Bailey, Murray and Sandison:

An Act relating to school-related photography services; creating new sections; and adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapters 28A.04 and 28A.58 RCW.

Referred to Committee on Education.

SENATE BILL NO. 2690, by Senators Jolly and Talley:

An Act relating to containers for fluid dairy products; and amending section 42, chapter 67, Laws of 1969 and RCW 19.94.420.

Referred to Committee on Agriculture.

SENATE BILL NO. 2691, by Senator Francis:

An Act relating to civil service for sheriffs' offices; and amending section 8, chapter 1, Laws of 1959 and RCW 41.14.080.

Referred to Committee on Local Government.

SENATE BILL NO. 2692, by Senators Fleming, Ridder and Talley:

An Act relating to the establishment of standards for making buildings and facilities accessible to and usable by physically disabled and elderly persons; amending section 3, chapter 96, Laws of 1974 ex. sess. and RCW 19.27.030; adding new sections to chapter 35, Laws of 1967 and to chapter 70.92 RCW; repealing section 1, chapter 35, Laws of 1967 and RCW 70.92.010; repealing section 2, chapter 35, Laws of 1967 and RCW 70.92.020; repealing section 3, chapter 35, Laws of 1967 and RCW 70.92.030; repealing section 4, chapter 35, Laws of 1967 and RCW 70.92.040; repealing section 5, chapter 35, Laws of 1967 and RCW 70.92.050; repealing section 6, chapter 35, Laws of 1967 and RCW 70.92.060; repealing section 1, chapter 219, Laws of 1971 ex. sess. and RCW 70.92A.010; repealing section 2, chapter 219, Laws of 1971 ex. sess. and RCW 70.92A.020; repealing section 3, chapter 219, Laws of 1971 ex. sess. and RCW 70.92A.030; repealing section 4, chapter 219, Laws of 1971 ex. sess. and RCW 70.92A.040; repealing section 5, chapter 219, Laws of 1971 ex. sess. and RCW 70.92A.050; repealing section 11, chapter 96, Laws of 1974 ex. sess. and RCW 70.92A.060; declaring an emergency; and prescribing an effective date.

MOTION

On motion of Senator Mardesich, Senate Bill No. 2692 was referred to the Committee on Local Government.

SENATE BILL NO. 2693, by Senators Francis and Fleming:

An Act relating to credit and investigative information; adding a new chapter to Title 19 RCW; and prescribing penalties.

Referred to Judiciary Committee.

SENATE BILL NO. 2694, by Senators Knoblauch, Bailey, Mardesich and Matson:

An Act relating to salaries of public officials; adding new sections to chapter 43.03 RCW; and providing an effective date contingent upon amending the Constitution.

Referred to Committee on State Government.

SENATE BILL NO. 2695, by Senators Cunningham, Grant, North and Rasmussen:

An Act relating to retail sales taxes; amending section 82.08.030, chapter 15, Laws of 1961 as last amended by section 1, chapter 185, Laws of 1974 ex. sess. and RCW 82.08.030; and prescribing an effective date.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2696, by Senator Francis:

An Act relating to civil procedure; amending section 3, chapter 159, Laws of 1963 as amended by section 2, chapter 164, Laws of 1967 and RCW 4.92.100; amending section 4, chapter 164, Laws of 1967 and RCW 4.96.020; amending section 35.31.020, chapter 7, Laws of 1965 as amended by section 12, chapter 164, Laws of 1967 and RCW 35.31.020; amending section 35.31.040, chapter 7, Laws of 1965 as amended by section 13, chapter 164, Laws of 1967 and RCW 35.31.040; amending section 36.45.010, chapter 4, Laws of 1963 as amended by section 14, chapter 164, Laws of 1967 and RCW 36.45.010; and amending section 36.45.030, chapter 4, Laws of 1963 as amended by section 1, chapter 36, Laws of 1973 and RCW 36.45.030.

Referred to Judiciary Committee.

SENATE BILL NO. 2697, by Senator Guess:

An Act relating to the state colleges; and adding a new section to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.40 RCW.

Referred to Committee on Higher Education.

SENATE BILL NO. 2698, by Senator Francis:

An Act relating to public employment; and amending section 7, chapter 1, Laws of 1959 and RCW 41.14.070.

Referred to Committee on Local Government.

SENATE BILL NO. 2699, by Senator Francis:

An Act relating to retirement of judges; and amending section 22, chapter 267, Laws of 1971 ex. sess. and RCW 2.10.220.

Referred to Judiciary Committee.

SENATE BILL NO. 2700, by Senators Knoblauch, Bailey, Mardesich, Clarke, Matson and Jones:

An Act relating to state government; adding a new section to chapter 44.04 RCW; and declaring an emergency.

Referred to Committee on State Government.

SENATE BILL NO. 2701, by Senators Knoblauch, Donohue, Mardesich, Matson, Clarke and Jones:

An Act relating to state government; amending section 43.03.010, chapter 8, Laws of 1965 as last amended by section 2, chapter 149, Laws of 1974 ex. sess. (Initiative Measure No. 282) and RCW 43.03.010; amending section 1, chapter 144, Laws of 1953 as last amended by section 3, chapter 149, Laws of 1974 ex. sess. (Initiative Measure No. 282) and RCW 2.04.090; amending section 6, chapter 221, Laws of 1969 ex. sess. as last amended by section 4, chapter 149, Laws of 1974 ex. sess. (Initiative Measure No. 282) and RCW 2.06.060; amending section 2, chapter 144, Laws of 1953 as last amended by section 5, chapter 149, Laws of 1974 ex. sess. (Initiative Measure No. 282) and RCW 2.08.090; amending section 100, chapter 299, Laws of 1961 as last amended by section 6, chapter 149, Laws of 1974 ex. sess. (Initiative Measure No. 282) and RCW 3.58.010; declaring an emergency; and providing an effective date.

Referred to Committee on State Government.

SENATE BILL NO. 2702, by Senator Francis:

An Act relating to business regulations; and amending section 9, chapter 216, Laws of 1961 as amended by section 2, chapter 26, Laws of 1970 ex. sess. and RCW 19.86.090.

Referred to Judiciary Committee.

SENATE BILL NO. 2703, by Senator Francis:

An Act relating to regulation of escrow agents and officers; amending section 1, chapter 153, Laws of 1965 as amended by section 1, chapter 245, Laws of 1971 ex. sess. and RCW 18.44.010; amending section 2, chapter 153, Laws of 1965 as last amended by section 2, chapter 245, Laws of 1971 ex. sess. and RCW 18.44.020; amending section 4, chapter 153, Laws of 1965 as amended by section 3, chapter 245, Laws of 1971 ex. sess. and RCW 18.44.040; amending section 5, chapter 153, Laws of 1965 as amended by section 4, chapter 245, Laws of 1971 ex. sess. and RCW 18.44.050; amending section 7, chapter 153, Laws of 1965 and RCW 18.44.070; amending section 8, chapter 153, Laws of 1965 as amended by section 5, chapter 245, Laws of 1971 ex. sess. and RCW 18.44.080; amending section 9, chapter 153, Laws of 1965 and RCW 18.44.090; amending section 13, chapter 153, Laws of 1965 and RCW 18.44.130; amending section 7, chapter 245, Laws of 1971 ex. sess. and RCW 18.44.200; amending section 9, chapter 245, Laws of 1971 ex. sess. and RCW 18.44.220; amending section 12, chapter 245, Laws of 1971 ex. sess. and RCW 18.44.250; amending section 13, chapter 245, Laws of

1971 ex. sess. and RCW 18.44.260; adding new sections to chapter 18.44 RCW; repealing section 10, chapter 245, Laws of 1971 ex. sess., section 1, chapter 163, Laws of 1973 1st ex. sess. and RCW 18.44.230; repealing section 11, chapter 245, Laws of 1971 ex. sess. and RCW 18.44.240; and prescribing penalties.

Referred to Judiciary Committee.

SENATE BILL NO. 2704, by Senator Francis:

An Act relating to civil procedure; and amending section 2, chapter 131, Laws of 1959 and RCW 4.28.185.

Referred to Judiciary Committee.

SENATE BILL NO. 2705, by Senators Marsh, Van Hollebeke and Odegaard:

An Act relating to revenue and taxation; amending section 82.08.090, chapter 15, Laws of 1961 and RCW 82.08.090; and amending section 82.12.060, chapter 15, Laws of 1961 as amended by section 16, chapter 293, Laws of 1961 and RCW 82.12.060.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2706, by Senator Mardesich:

An Act relating to revenue and taxation; amending section 82.08.030, chapter 15, Laws of 1961 as last amended by section 1, chapter 185, Laws of 1974 ex. sess. and RCW 82.08.030; and amending section 82.12.030, chapter 15, Laws of 1961 as last amended by section 2, chapter 185, Laws of 1974 ex. sess. and RCW 82.12.030.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2707, by Senators Murray, Rasmussen, Goltz and Talley:

An Act relating to the training of pilots of bulk cargo carriers; amending section 9, chapter 18, Laws of 1935 as last amended by section 1, chapter 297, Laws of 1971 ex. sess. and RCW 88.16.030; adding new sections to chapter 88.16 RCW; and making an appropriation.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 2708, by Senators Murray and Gould:

An Act relating to teacher certification; and amending section 28A.70.005, chapter 223, Laws of 1969 ex. sess. and RCW 28A.70.005.

Referred to Committee on Education.

SENATE BILL NO. 2709, by Senator Murray:

An Act relating to revenue and taxation; amending section 82.08.020, chapter 15, Laws of 1961 as last amended by section 9, chapter 281, Laws of 1971 ex. sess. and RCW 82.08.020; amending section 82.12.020, chapter 15, Laws of 1961 as last amended by section 10, chapter 281, Laws of 1971 ex. sess. and RCW 82.12.020; and creating a new section.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2710, by Senator Francis:

An Act relating to institutions; and adding a new section to chapter 72.01 RCW.

Referred to Judiciary Committee.

SENATE BILL NO. 2711, by Senators Jolly and Lewis (R. H. "Bob"):

An Act relating to county roads; amending section 36.77.060, chapter 4, Laws of 1963 and RCW 36.77.060; amending section 7, chapter 120, Laws of 1965 ex. sess. and RCW 36.78.070; amending section 9, chapter 120, Laws of 1965 ex. sess. and RCW 36.78.090; amending section 10, chapter 120, Laws of 1965 ex. sess. and RCW 36.78.100; amending section 36.82.100, chapter 4, Laws of 1963 and RCW 36.82.100; amending section 36.82.120, chapter 4, Laws of 1963 and RCW 36.82.120; amending section 36.82.220, chapter 4, Laws of 1963 and RCW 36.82.220; prescribing effective dates; and declaring an emergency.

Referred to Committee on Local Government.

SENATE BILL NO. 2712, by Senator Goltz:

An Act relating to public files and information systems; adding a new chapter to Title 40 RCW; and prescribing penalties.

Referred to Committee on State Government.

SENATE JOINT RESOLUTION NO. 123, by Senators Goltz, Fleming, Buffington, McDermott and Morrison:

Declaring privacy a fundamental right of the people.

Referred to Judiciary Committee.

SENATE JOINT RESOLUTION NO. 124, by Senator Francis:

Amending the Constitution to allow grant of pension to surviving spouse of public officers.

Referred to Committee on State Government.

SENATE JOINT RESOLUTION NO. 125, by Senators Murray, Gould, North and Buffington:

Changing date and duration of legislative sessions and providing for the consideration of bills.

Referred to Committee on Constitution and Elections.

SENATE JOINT RESOLUTION NO. 126, by Senator Murray:

Amending the Constitution to allow school districts to approve special levies for all following years until subsequently changed or removed.

Referred to Committee on Education.

SENATE JOINT RESOLUTION NO. 127, by Senators Knoblauch, Donohue, Mardesich, Matson, Clarke, Scott, Sellar and Jones:

Establishing constitutionally a citizens' commission to set salaries of public officials.

Referred to Committee on State Government.

There being no objection, the rules were suspended and additional sponsors were permitted on the following Senate bills: 2684, 2687, 2694, 2695, 2700, 2701, 2707 and Senate Joint Resolutions 123, 125 and 127.

SECOND READING

SENATE BILL NO. 2058, by Senators Day and McDermott:
Strengthening the Medical Disciplinary Act.

REPORT OF STANDING COMMITTEE

February 10, 1975.

SENATE BILL NO. 2058, strengthening the Medical Disciplinary Act (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass with the following amendments:

On page 4, add a new section to read as follows:

"Sec. 4. Section 15, chapter 202, Laws of 1955, and RCW 18.72.150 are each amended to read as follows:

The board shall have the following powers and duties:

(1) To adopt, amend and rescind such rules and regulations as it deems necessary to carry out the provisions of this chapter;

(2) To investigate all complaints and charges of unprofessional conduct against any holder of a license and to hold hearings to determine whether such charges are substantiated or unsubstantiated;

- (3) To employ necessary stenographic or clerical help;
- (4) To issue subpoenas and administer oaths in connection with any investigation, hearing, or disciplinary proceeding held under this chapter;
- (5) To take or cause depositions to be taken as needed in any investigation, hearing, or proceeding;
- (6) *To investigate complaints and charges of malpractice and unsafe conditions and practices, to analyze equipment, procedures, and training, in such cases, and to direct corrective action.*"

On line 3 of the title, after "18.72.030;" insert "amending section 15, chapter 202, Laws of 1955, and RCW 18.72.150;"

Signed by: Senators Day, Chairman; von Reichbauer, Vice Chairman; Buffington, Cunningham, Francis, Goltz, Gould, McDermott, North, Ridder, Van Hollebeke.

The bill was read the second time by sections.

On motion of Senator Day, the committee amendment to page 4 was adopted.

On motion of Senator Day, the following amendment was adopted:

On page 4, line 1, strike "shall" and insert "may".

MOTION

On motion of Senator Day, further consideration of Senate Bill No. 2058, as amended, was ordered held on today's second reading calendar following Senate Bill No. 2028.

SECOND READING

SENATE BILL NO. 2028, by Senator Herr:

Establishing a state lottery.

The bill was read the second time by sections.

Senator Cunningham moved adoption of the following amendment:

On page 3, line 9, strike "transferred to the state general fund" and insert "distributed pro rata to local law enforcement agencies in proportion to the population of the county or municipality served by such local law enforcement agency".

Debate ensued.

MOTIONS

On motion of Senator Lewis (R. H. "Bob"), Senator Benitz was excused.

The motion by Senator Cunningham failed and the amendment was not adopted.

On motion of Senator Mardesich, the rules were suspended, Senate Bill No. 2028 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. 2028, and the bill failed to pass the Senate by the following vote: Yeas, 23; nays, 24; excused, 2.

Voting yea: Senators Bailey, Bottiger, Day, Donohue, Fleming, Francis, Grant, Henry, Herr, Keefe, Knoblauch, Lewis (Harry), Marsh, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Stortini, Talley, Van Hollebeke, von Reichbauer, Woody—23.

Voting nay: Senators Beck, Bluechel, Buffington, Clarke, Cunningham, Goltz, Gould, Guess, Jolly, Jones, Lewis (R. H. "Bob"), Mardesich, Matson, McDermott, Morrison, Murray, Newschwander, North, Pullen, Scott, Sellar, Wanamaker, Washington, Wilson—24.

Excused: Senators Benitz, Walgren—2.

SENATE BILL NO. 2028, having failed to receive the constitutional majority, was declared lost.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Mardesich served notice that he would, on the next working day, move for reconsideration of the vote by which Senate Bill No. 2028 failed to pass the Senate.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Newschwander moved that the Senate immediately reconsider the vote by which Senate Bill No. 2028 failed to pass the Senate. The motion by Senator Mardesich carried.

SECOND READING

SENATE BILL NO. 2058, by Senators Day and McDermott:
Strengthening the Medical Disciplinary Act.

The Senate resumed consideration of Senate Bill No. 2058 as amended by the committee amendment to page 4 and an amendment by Senator Day earlier today.

Senator Day moved adoption of the following amendment by Senators Day and Cunningham:

On page 3, line 36, after "by" and before "physicians" insert "two or more" and after "board" insert "and at least one of which may be designated by the charged party if he chooses."

On motion of Senator Mardesich, the following amendment to the amendment was adopted:

On line 3, after "of" and before "may" strike "which" and insert "whom".

There being no objection, the following oral amendment by Senator Day was adopted:

After the last word of the amendment and before the period insert "if he chooses".

The motion by Senator Day carried and the amendment, as amended, was adopted.

On motion of Senator Day, the committee amendment to the title was adopted.

On motion of Senator Day, the rules were suspended, Engrossed Senate Bill No. 2058 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. 2058, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Beck, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Wilson, Woody—47.

Excused: Senators Benitz, Walgren—2.

ENGROSSED SENATE BILL NO. 2058, having received the 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

HOUSE BILL NO. 100, by Representatives Luders, Newhouse, Charette, Pardini, Martinis, Kilbury, Berentson, Ceccarelli, Hansey, Laughlin, Wilson and Matthews:
Providing for bond financing of pollution control and industrial development.

MOTIONS

On motion of Senator Mardesich, House Bill No. 100 was made a special order of business for 12:15 p.m. today.

On motion of Senator Mardesich, the Senate returned to the sixth order of business.

SECOND READING

SENATE BILL NO. 2268, by Senators Rasmussen, Scott and Bailey (by State Treasurer request):

Directing the investment of current state funds.

The Senate resumed consideration of Senate Bill No. 2268 and two amendments moved for adoption by Senator Cunningham on February 18, 1975.

There being no objection, the amendments by Senator Cunningham were withdrawn.

On motion of Senator Cunningham, the following amendment by Senators Cunningham and Rasmussen was adopted:

On page 1, beginning on line 8 strike all of the material down through the colon on line 14 and insert "*Whenever the state treasurer determines that there is in any fund or in cash balances in the state treasury more than sufficient to meet the current expenditures properly payable therefrom, the state treasurer or the state finance committee may invest or reinvest such portion of such funds or balances as the state treasurer deems expedient in the following defined securities or classes of investments: PROVIDED, That the investment and reinvestment authority of the state treasurer when acting without the consent of the state finance committee shall be limited to legally eligible investments which mature in a period of one year or less: PROVIDED FURTHER, That the state treasurer shall provide a monthly report of such investments and reinvestments to the legislative budget committee and to the state finance committee.*"

On motion of Senator Rasmussen, the rules were suspended, Engrossed Senate Bill No. 2268 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. 2268, and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; excused, 2.

Voting yea: Senators Bailey, Beck, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Wilson, Woody—46.

Voting nay: Senator Washington—1.

Excused: Senators Benitz, Walgren—2.

ENGROSSED SENATE BILL NO. 2268, having received the 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. 2036, by Senators Donohue, Odegaard, Wilson, Walgren, Rasmussen, Guess and Woody:

Providing legislative review of agency rules.

MOTIONS

On motion of Senator Rasmussen, Substitute Senate Bill No. 2036 was substituted

for Senate Bill No. 2036 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Wilson, the rules were suspended, Substitute Senate Bill No. 2036 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 Matson: "Would Senator Donohue yield? You have touched on a couple of things. I notice there is no emergency clause on this bill and there are some rather heavy rules being promulgated right now. I wonder if you would object if we backed this down to second reading and put an emergency clause on the bill?"

Senator Donohue: "Well, I have no objection but I doubt very much if it is necessary. I think that just the fact that we are moving on this bill, and if we pass this bill, will have the effect, hopefully, of in some of the agencies which are making the rules to slow them down. And I do not think that we need an emergency clause."

MOTIONS

On motion of Senator Mardesich, the rules were suspended and Substitute Senate Bill No. 2036 was returned to second reading.

On motion of Senator Matson, the following amendment was adopted:

On page 5, following line 7, insert a new section as follows:

"*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."

Re-number old section 6 as section 7.

On motion of Senator Matson, the following amendment to the title was adopted:

On page 1, line 10, after "34.04.160" and before the period insert "; and declaring an emergency".

On motion of Senator Mardesich, the rules were suspended, Engrossed Substitute Senate Bill No. 2036 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Senators Mardesich, Donohue and Matson 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. 2036.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2036, and the bill passed the Senate by the following vote: Yeas, 42; nays, 5; excused, 2.

Voting yea: Senators Bailey, Beck, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Goltz, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Wilson, Woody—42.

Voting nay: Senators Bluechel, Fleming, Francis, Gould, Murray—5.

Excused: Senators Benitz, Waigren—2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2036, having received the 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 Rasmussen, Engrossed Substitute Senate Bill No. 2036 was ordered immediately transmitted to the House.

PERSONAL PRIVILEGE

Senator Rasmussen: "Speaking in line with the President's remark on ecology, that hearing has been set on the transfer of the Ecology Department to the Land Commissioner at 7:30, Public Lands Hearing Room 2, Tuesday night, February 25. All people who are interested can advise their constituents they will have a chance to express their opinions at that meeting."

SPECIAL ORDER OF BUSINESS

THIRD READING

HOUSE BILL NO. 100, by Representatives Luders, Newhouse, Charette, Pardini, Martinis, Kilbury, Berentson, Ceccarelli, Hansey, Laughlin, Wilson and Matthews:
Providing for bond financing of pollution control and industrial development.

The time having arrived, the Senate commenced consideration of House Bill No. 100 on third reading.

MOTION

Senator Mardesich: "I move that House Bill No. 100 be returned to second reading for purposes of amendment."

President Pro Tempore Henry repeated the motion by Senator Mardesich.
Debate ensued.

POINT OF ORDER

Senator Washington: "The point of order being that this is not a suspension of the rules. We have done this a number of times already today, a simple motion to move back from the third order of business to — from third reading to second reading. There has to be a rule to be suspended, Mr. President. We sometimes are confused and we have gotten into a habit sometimes of feeling that we do have to have a suspension of the rules, although I know of no instance when we have had to do this in going back from third reading to second reading. There is a Rule 61 which says every bill shall be read on three separate days unless the Senate deems it expedient to suspend this rule. For this reason we suspend the rule when we move from the second reading to the third reading. Also because the Constitution requires that we have three readings, and we, however, are able to suspend the rule by considering the second reading the third. Now I have looked; there is absolutely no rule in our rules that says that it takes a suspension of the rules to move from one point on the calendar to another or to move from third reading to second reading. And if you are going to suspend a rule you have got to state the rule which you are going to suspend. And I have great respect for Henry's rules when we do not have a lot riding on it but at this point I believe that we do need — I would submit that there does need to be a suspension of the rule and the person who makes the motion to suspend or to object has to point out the rule which would require the suspension. And I have looked and I can find none. Now perhaps you have been able to find such a rule."

Further debate ensued.

REPLY BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "If the President be allowed to make a comment, rules of order are to expedite business. I was trying to expedite business to avoid the explanation that Senator Washington was going to give, but inasmuch as it did not expedite business, I have no objection to returning to second reading, but I still think it takes a two-thirds majority to suspend the rules."

MOTIONS

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

At 12:36 p.m. on motion of Senator Mardesich, the Senate adjourned until 11:00 a.m., Friday, February 21, 1975.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

FORTIETH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, February 21, 1975.

The Senate was called to order at 11:00 a.m. by President Cherberg. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Benitz and Woody. On motion of Senator Lewis (Harry), Senator Benitz was excused. On motion of Senator Knoblauch, Senator Woody was excused.

The Color Guard consisting of Pages Susan Bentley and William Buffington, Jr. presented the Colors. Reverend Louis Gaffney, S.J., President of Seattle University, offered the following prayer:

"GOD OUR FATHER, YOU HAVE GIVEN US TWO GREAT COMMANDMENTS. AFTER LOVE OF YOU, OUR GREATEST TASK IS TO LOVE OUR NEIGHBOR AS OURSELVES AND SO WE EARN OUR PLACE WITH YOU BY BEING GRACIOUS TO ONE ANOTHER. GIVE US, WE PRAY, THE WISDOM OF A SOLOMON IN DISPENSING LEGISLATION AND JUSTICE TO OUR FELLOW MAN. LET US NEVER FORGET TO DO JUSTICE TO THE NEEDY AND POOR, AND GRANT US THE IMPARTIALITY WE NEED TO SEEK THE GREATEST GOOD OF ALL AND RISE ABOVE SEEKING SELF. BUT MOST OF ALL, LET US NEVER TIRE OF THE TEDIUM AND FRUSTRATION, THE HEAT OF THE DAY AND THE LABOR INVOLVED IN PUBLIC SERVICE. GIVE US THE PATIENCE, THE LONG-SUFFERING AND FLEXIBILITY NECESSARY TO SERVE ALL WHO CALL YOU FATHER. WE ASK THIS IN THY NAME. AMEN."

MOTION

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

REPORT OF STANDING COMMITTEE

February 20, 1975.

SENATE BILL NO. 2197, increasing the amount of the contractor's bond (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Francis, Chairman; Bottiger, Buffington, Clarke, Marsh, Scott.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE HOUSE

February 19, 1975.

Mr. President: The House has adopted ENGROSSED SENATE CONCURRENT RESOLUTION NO. 105 with the following amendments:

On page 10, line 2 of Rule No. 35, strike "36" and insert "[36] 34"

On page 10, line 7 of Rule No. 35 after "legislature" strike all material down to and including "Rules on line 9 and insert "[in connection with participation in such legislative interim activities and activities of statutory committees, or committees authorized by Rule 19 of these Joint Rules]", and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

MOTION

On motion of Senator Mardesich, the Senate concurred in the House amendments to Engrossed Senate Concurrent Resolution No. 105 and adopted the resolution as amended by the House.

THIRD READING

HOUSE BILL NO. 100, by Representatives Luders, Newhouse, Charette, Pardini, Martinis, Kilbury, Berentson, Ceccarelli, Hansey, Laughlin, Wilson and Matthews:

Providing for bond financing of pollution control and industrial development.

MOTION

Senator Mardesich moved that House Bill No. 100 be held on the third reading calendar for Monday, February 24, 1975.

POINT OF INQUIRY

Senator Lewis (Harry): "Will the majority leader yield please? Senator Mardesich, I wonder if you would just explain what you are doing and the reason for it."

Senator Mardesich: "I thought that this was a fairly important measure, Senator Lewis, and I considered it best to hold this bill rather than lose it today."

Senator Lewis (Harry): "Have you counted the votes, Senator Mardesich or is this your best judgment?"

Senator Mardesich: "Pretty well."

The motion by Senator Mardesich carried on a rising vote. House Bill No. 100 was ordered to hold its place on the third reading calendar for Monday, February 24, 1975.

MOTION

On motion of Senator Mardesich, the Senate returned to the sixth order of business.

SECOND READING

SENATE BILL NO. 2135, by Senators Sellar and Jolly:

Establishing requirements and duties of a public utility district of the first class.

MOTION

Senator Bailey moved that Senate Bill No. 2135 be returned to the Committee on Rules.

Debate ensued.

The motion by Senator Bailey carried. Senate Bill No. 2135 was returned to the Committee on Rules.

SECOND READING

SENATE BILL NO. 2128, by Senators Sandison, Walgren and Bottiger:

Requiring telephone companies to provide means for making free emergency calls from coin operated telephones.

REPORT OF STANDING COMMITTEE

February 12, 1975.

SENATE BILL NO. 2128, requiring telephone companies to provide means for making free emergency calls from coin operated telephones (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass with the following amendments:

On line 6 after "January 1," and before ", all" strike "1976" and insert "1980"

Beginning on line 8 after "to the" strike "local police, local fire department, operator, or the state patrol" and insert "or operator"

Signed by: Senators Walgren, Chairman; Beck, Benitz, Bluechel, Bottiger, Guess, Jolly, Knoblauch, Lewis (R. H. "Bob"), Morrison, Wanamaker.

The bill was read the second time by sections.

On motion of Senator Walgren, the committee amendment to page 6 was adopted.

Senator Walgren moved adoption of the committee amendment to line 8.

On motion of Senator Walgren, the following amendment to the committee amendment was adopted:

On the last line of the amendment before "operator" strike "or"

The motion by Senator Walgren carried and the amendment, as amended, was adopted.

On motion of Senator Sandison, the rules were suspended, Engrossed Senate Bill No. 2128 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 Senate Bill No. 2128, and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; excused, 2.

Voting yea: Senators Bailey, Beck, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh,

Matson, McDermott, Morrison, Murray, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—46.

Voting nay: Senator Newschwander—1.

Excused: Senators Benitz, Woody—2.

ENGROSSED SENATE BILL NO. 2128, having received the 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. 2384, by Senators Guess, Keefe, Lewis (R. H. "Bob"), Walgren and Fleming:

Permitting investment of excess city funds in LID interim financing warrants.

The bill was read the second time by sections.

There being no objection, the following amendments by Senator Guess were moved for adoption simultaneously:

On page 1, beginning on line 5, insert a new section as follows:

"Section 1. Section 1, chapter 33, Laws of 1969 ex. sess. and RCW 35.39.030 are each amended to read as follows:

Every city and town may invest any portion of the moneys in its inactive funds or in other funds in excess of current needs in:

(1) United States bonds;

(2) United States certificates of indebtedness;

(3) Bonds or warrants of this state;

(4) General obligation or utility revenue bonds or warrants of its own or of any other city or town in the state;

(5) Its own bonds or warrants of a local improvement [or condemnation award] district which [is] are within the protection of the local improvement guaranty fund law; and

(6) In any other investments authorized by law for any other taxing districts."

Renumber the remaining sections consecutively.

On page 1, line 29, strike "*or condemnation award*"

Debate ensued.

POINT OF INQUIRY

Senator Wilson: "Will Senator Guess yield? One provision of the first amendment pertains to a city and town investing any portion of its inactive funds in bonds or warrants of an LID of any other city or town in the state, I do not see any immediate objection to that but wonder what the reason is for it and if you could give me an example as to one city investing surplus funds in the LID of another city."

Senator Guess: "Senator Wilson, I will have to be frank with you. That is in existing statutory language. How it occurred there I cannot tell you, but the only suggestion I can say is that using the old Chinese proverb, 'You scratch my back, I will scratch yours.' But it is there. We did not discuss taking it out and if you want to make a motion to do that, okay. But maybe Senator Fleming has some comments on that."

Senator Fleming: "Members of the Senate, to Senator Wilson, from my understanding, within the cities there are certain improvement districts, and when improvement districts are contiguous to each other they are allowed to invest the funds, commingle these funds, for the investment. But when they are not it has to be a single type situation, and I think that is the reason for that. I could stand corrected but I think that is the testimony that I recall in the committee."

Senator Rasmussen: "Senator Fleming is correct. You take Aberdeen-Hoquiam, Centralia-Chehalis, places like that may want to jointly—one local improvement district would be handling improvements but it would actually be in the other city's boundaries probably. So I think it is all right the way it is worded."

The motion by Senator Guess carried and the amendments were adopted.

On motion of Senator Guess, the following amendment to the title was adopted:

On page 1, line 1 of the title, after "towns;" insert "amending section 1, chapter 33, Laws of 1969 ex. sess. and RCW 35.39.030;"

On motion of Senator Guess the rules were suspended, Engrossed Senate Bill No. 2384 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. 2384, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Beck, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—47.

Excused: Senators Benitz, Woody—2.

ENGROSSED SENATE BILL NO. 2384, having received the 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. 2177, by Senators Clarke, Francis and Woody (by Judicial Council request):

Transferring assessment of punishment in municipal courts from jury to judge.

The bill was read the second time by sections.

On motion of Senator Clarke the rules were suspended, Senate Bill No. 2177 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. 2177, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Beck, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—47.

Excused: Senators Benitz, Woody—2.

SENATE BILL NO. 2177, having received the 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. 2300, by Senators Sandison and Rasmussen:

Permitting president of the Washington state historical society to have representative in his name on the Washington state board on geographic names.

The bill was read the second time by sections.

On motion of Senator Sandison, the following amendment was adopted:

Beginning on line 8, after "composed of" strike all the matter down through line 20 and insert:

" [the] :

- (1) *the state librarian or representative;*
- (2) *the commissioner of public lands or representative [;] who shall be chairman of the board;*
- (3) *the president of the Washington state historical society or representative;*
- (4) *the chairman of the department of geography, University of Washington or representative;*
- (5) *the chairman of the department of geography, Washington State University or representative;*
- (6) *Two members from the general public to be appointed by and serve at the pleasure of the commissioner of public lands. [;*
- (7) *The commissioner of public lands or his representative shall be chairman of the board.]*

On motion of Senator Sandison the rules were suspended, Engrossed Senate Bill No. 2300 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. 2300, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Beck, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—47.

Excused: Senators Benitz, Woody—2.

ENGROSSED SENATE BILL NO. 2300, having received the 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. 2259, by Senators Marsh, Woody, Jones, Rasmussen and Stortini:

Providing for liens to enforce payment of employers contributions to employee benefit plans.

MOTIONS

On motion of Senator Ridder, Substitute Senate Bill No. 2259 was substituted for Senate Bill No. 2259 and the substitute bill was placed on second reading and read the second time in full.

Senator Day moved adoption of the following amendment:

On page 2, line 18, after "fund" strike "[prior to all other liens except taxes]" and insert "prior to all other liens except taxes".

Debate ensued.

POINT OF INQUIRY

Senator Lewis (Harry): "Would Senator Day yield to a question? Or somebody else maybe that could respond. How would this affect the position of a first lien security holder?"

Senator Day: "What this does, by striking this language is to strike the exemption placing the lien for service by a hospital, association, corporation, or individual pro-

viding care, they had a prior lien—prior to everything except taxes, and when you struck that out of there, then they did not have a prior lien against the fund for the services provided. And so I think it was an inadvertent. I think that after checking with the best lawyer, I think, in the place, Max Nicolai, and he was not sure but upon discussion with the other attorneys they came to the conclusion that it was wrong, that they should have left the original language in that section, and this correction takes care of that.”

MOTION

On motion of Senator Mardesich, Substitute Senate Bill No. 2259, together with the pending amendment by Senator Day, was ordered to hold its place on the second reading calendar for Monday, February 24, 1975.

SECOND READING

SENATE BILL NO. 2096, by Senators Lewis (Harry), Walgren, Donohue and McDermott:

Providing for study of administrative costs of school districts.

REPORT OF STANDING COMMITTEE

February 6, 1975.

SENATE BILL NO. 2096, providing for study of administrative costs of school districts, (reported by Committee on Education):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 20, strike all of section 2.

In line 3 of the title after “28A.03 RCW” insert a period and strike the remainder of the title.

Signed by: Senators Stortini, Chairman; Francis, McDermott, Murray, Newschwander.

The bill was read the second time by sections.

On motion of Senator Stortini, the committee amendments were adopted.

On motion of Senator Stortini, the committee amendment to the title was adopted.

On motion of Senator Stortini, the rules were suspended, Engrossed Senate Bill No. 2096 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

MOTION

Senator Donohue moved that Engrossed Senate Bill No. 2096 be placed on the third reading calendar for Monday, February 24, 1975.

Debate ensued.

The motion by Senator Donohue carried. Engrossed Senate Bill No. 2096 was ordered placed on the third reading calendar for Monday, February 24, 1975.

SECOND READING

SENATE JOINT MEMORIAL NO. 106, by Senators Guess, Henry, Wanamaker, Washington, Bottiger and Walgren:

Requesting federal executive and legislative action to exempt asphalt from excise or import tax.

REPORT OF STANDING COMMITTEE

February 6, 1975.

SENATE JOINT MEMORIAL NO. 106, requesting federal executive and legislative action to exempt asphalt from excise or import tax, (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass with the following amendment:

On page 2, line 4 after "or" and before "fee" insert "import"

Signed by: Senators Walgren, Chairman; Henry, Vice Chairman; Beck, Benitz, Bottiger, Jolly, Knoblauch, Morrison, Sellar, Wanamaker.

The memorial was read the second time in full.

On motion of Senator Guess, the committee amendment was adopted.

On motion of Senator Guess the rules were suspended, Engrossed Senate Joint Memorial No. 106 was advanced to third reading, the second reading considered the third, and the memorial was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Joint Memorial No. 106, and the memorial passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Beck, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—47.

Excused: Senators Benitz, Woody—2.

ENGROSSED SENATE JOINT MEMORIAL NO. 106, having received the constitutional majority, was declared passed.

MOTION

On motion of Senator Lewis (Harry), the Senate commenced consideration of Senate Bill No. 2227.

SECOND READING

SENATE BILL NO. 2227, by Senators Guess and Donohue:

Authorizing acquisition of surplus EXPO facilities for Walla Walla community college.

REPORT OF STANDING COMMITTEE

February 14, 1975.

SENATE BILL NO. 2227, authorizing acquisition of surplus EXPO facilities for Walla Walla community college (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendment by Committee on Higher Education.

On page 1, section 1, line 19, after "That" strike all the matter down to and including "act" on line 20 and insert "the amount of \$292,725 of the Phase II appropriation, or as much thereof as is available following completion of the Phase II facilities authorized under the provisions of section 2 of this act, shall be reimbursed to the state general fund"

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Wilson, 2nd Vice Chairman; Bailey, Jones, Lewis (Harry), Marsh, Murray, Newschwander, Rasmussen, Scott, Washington.

The bill was read the second time by sections.

On motion of Senator Guess, the committee amendment was adopted.

Senator Guess moved the following amendment be not adopted:

On page 2, section 1, line 10, strike "Republic of China's" and insert "Union of Soviet Socialist Republic's"

Debate ensued.

The motion carried and the amendment was not adopted.

On motion of Senator Guess, the rules were suspended, Engrossed Senate Bill No. 2227 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator McDermott: "Will Senator Guess yield to a question? Why did you choose the general fund as a source of money for this rather than Referendum 31 money or some other source?"

Senator Guess: "It is two years away, for one thing, Senator, and because of the timing this is where it will have to come from."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2227, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Beck, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—47.

Excused: Senators Benitz, Woody—2.

ENGROSSED SENATE BILL NO. 2227, having received the 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 Mardesich, the Senate commenced consideration of Senate Joint Memorial No. 108.

SECOND READING

SENATE JOINT MEMORIAL NO. 108, by Senators Peterson and Lewis (Harry): Memorializing the President and Congress to expand reforestation work on national forest lands.

The memorial was read the second time in full.

On motion of Senator Peterson the rules were suspended, Senate Joint Memorial No. 108 was advanced to third reading, the second reading considered the third, and the memorial was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 108, and the memorial passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Beck, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—47.

Excused: Senators Benitz, Woody—2.

SENATE JOINT MEMORIAL NO. 108, having received the constitutional majority, was declared passed.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of Senate Bill No. 2078.

SECOND READING

SENATE BILL NO. 2078, by Senators Henry, Murray and Beck (by Department of Motor Vehicles request):

Amending the motor vehicle code.

REPORT OF STANDING COMMITTEE

January 28, 1975.

SENATE BILL NO. 2078, amending the motor vehicle code (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass with the following amendment:

On page 2, line 34, after "*interest*" and before the period insert "*and who has recorded that interest in the vehicle with the department*"

Signed by: Senators Walgren, Chairman; Henry, Vice Chairman; Beck, Bluechel, Bottiger, Guess, Jolly, Stortini, Wanamaker.

The bill was read the second time by sections.

Senator Walgren moved adoption of the committee amendment.

POINT OF INQUIRY

Senator Fleming: "Would Senator Walgren yield to a question? Senator, I notice that this also permits the director to obtain license plates from sources other than the state penitentiary. Did they indicate some need, some preference, did they have something in mind?"

Senator Walgren: "Although this does not relate to the amendment, it relates to the bill itself, yes, their concern was that there was some surreptitious removal of the license plates that were being prepared at the state institutions and they wanted to have an alternative source to obtain these license plates to make sure that they got into the proper hands."

The motion by Senator Walgren carried and the committee amendment was adopted.

On motion of Senator Walgren, the rules were suspended, Engrossed Senate Bill No. 2078 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Day: "Would Senator Walgren yield? I noticed in the digest here that one

of the sections removes discretion from the director of motor vehicles to allow a person to secure a certificate of ownership on a travel trailer or a camper without securing a certificate of license, etc. I remember, Senator, we got into quite an involvement with campers here at one time, I am just wondering what that does to put us back into the bucket."

Senator Walgren: "I am not sure I understand your question, Senator Day."

Senator Day: "What this thing specifically does in relation to licenses and the mandating of licenses."

Senator Walgren: "I cannot recall specifically what the testimony was concerning that, Senator Day, but apparently there was some difficulty as to the discretion that had been granted in the past and the idea of this amendment is to tie this down and eliminate some of that discretion."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2078, and the bill passed the Senate by the following vote: Yeas, 44; nays, 3; excused, 2.

Voting yea: Senators Bailey, Beck, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington—44.

Voting nay: Senators Day, McDermott, Wilson—3.

Excused: Senators Benitz, Woody—2.

ENGROSSED SENATE BILL NO. 2078, having received the 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 Mardesich, the Senate returned to the fifth order of business.

INTRODUCTION AND FIRST READING

SENATE BILL NO. 2713, by Senator Walgren:

An Act relating to construction of county roads and bridges; and amending section 36.77.060, chapter 4, Laws of 1963 and RCW 36.77.060.

Referred to Committee on Local Government.

SENATE BILL NO. 2714, by Senators Stortini, Rasmussen, Newschwander and Matson:

An Act relating to motor vehicles; amending section 46.12.030, chapter 12, Laws of 1961 as last amended by section 1, chapter 128, Laws of 1974 ex. sess. and RCW 46.12.030; amending section 46.12.040, chapter 12, Laws of 1961 as amended by section 2, chapter 128, Laws of 1974 ex. sess. and RCW 46.12.040; and declaring an emergency.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 2715, by Senators Gould and Stortini:

An Act relating to school district budgets.

Referred to Committee on Education.

SENATE BILL NO. 2716, by Senators Van Hollebeke, Woody and Marsh:

An Act relating to revenue and taxation; amending section 82.32.050, chapter 15, Laws of 1961 as last amended by section 16, chapter 299, Laws of 1971 ex. sess. and

RCW 82.32.050; and amending section 82.32.060, chapter 15, Laws of 1961 as last amended by section 17, chapter 299, Laws of 1971 ex. sess. and RCW 82.32.060.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2717, by Senators Scott, Gould and Francis:

An Act relating to elections and election campaigns of state officials and legislators; establishing limitations upon contributions and expenditures; making provision for partial public funding of campaign costs; limiting utilization of mass mailings; amending section 35, chapter 1, Laws of 1973 and RCW 42.17.350; adding a new chapter to Title 42 RCW; and prescribing penalties.

Referred to Committee on Constitution and Elections.

SENATE BILL NO. 2718, by Senator Woody:

An Act relating to insurance; and adding a new section to chapter 79, Laws of 1947 and to chapter 48.17 RCW.

Referred to Committee on Financial Institutions.

SENATE BILL NO. 2719, by Senator North:

An Act relating to revenue and taxation; amending section 82.08.030, chapter 15, Laws of 1961 as last amended by section 1, chapter 185, Laws of 1974 ex. sess. and RCW 82.08.030; and prescribing an effective date.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2720, by Senator Scott:

An Act relating to operating agencies; amending section 43.52.250, chapter 8, Laws of 1965 and RCW 43.52.250; amending section 43.52.260, chapter 8, Laws of 1965 and RCW 43.52.260; amending section 43.52.290, chapter 8, Laws of 1965 and RCW 43.52.290; amending section 43.52.300, chapter 8, Laws of 1965 and RCW 43.52.300; amending section 43.52.340, chapter 8, Laws of 1965 and RCW 43.52.340; amending section 43.52.350, chapter 8, Laws of 1965 and RCW 43.52.350; amending section 43.52.360, chapter 8, Laws of 1965 and RCW 43.52.360; amending section 43.52.370, chapter 8, Laws of 1965 and RCW 43.52.370; amending section 43.52.391, chapter 8, Laws of 1965 and RCW 43.52.391; amending section 43.52.430, chapter 8, Laws of 1965 as amended by section 113, chapter 81, Laws of 1971 and RCW 43.52.430; and amending section 43.52.450, chapter 8, Laws of 1965 and RCW 43.52.450.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 2721, by Senators Matson, Lewis (Harry) and Morrison:

An Act relating to unemployment compensation; amending section 4, chapter 35, Laws of 1945 as last amended by section 1, chapter 73, Laws of 1973 and RCW 50.04.030; amending section 78, chapter 35, Laws of 1945 as amended by section 6, chapter 158, Laws of 1973 1st ex. sess. and RCW 50.20.100; 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; amending section 19, chapter 2, Laws of 1970 ex. sess. as last amended by section 2, chapter 7, Laws of 1973 2nd ex. sess. and RCW 50.04.323; amending section 73, chapter 35, Laws of 1945 as last amended by section 21, chapter 2, Laws of 1970 ex. sess. and RCW 50.20.050; amending section 80, chapter 35, Laws of 1945 as last amended by section 5, chapter 2, Laws of 1970 ex. sess. and RCW 50.20.120; adding a new section to chapter 50.20 RCW to be designated as RCW 50.20.065; adding a new section to chapter 50.40 RCW; and declaring an emergency.

Referred to Committee on Labor.

SENATE BILL NO. 2722, by Senators Murray, Mardesich and Lewis (Harry):

An Act relating to pollution control tax credits and exemptions; amending section 1, chapter 139, Laws of 1967 ex. sess. and RCW 82.34.010; and repealing section 8, chapter 139, Laws of 1967 ex. sess. and RCW 82.34.080.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2723, by Senators Bottiger and Woody:

An Act relating to state government; adding new sections to chapter 152, Laws of 1972 ex. sess. and to chapter 43.43 RCW; and prescribing penalties.

Referred to Judiciary Committee.

SENATE BILL NO. 2724, by Senators Henry, Van Hollebeke and Scott:

An Act relating to motor vehicle dealers; amending section 13, chapter 74, Laws of 1967 ex. sess. as amended by section 7, chapter 132, Laws of 1973 1st ex. sess. and RCW 46.70.061; and amending section 46.70.070, chapter 12, Laws of 1961 as last amended by section 8, chapter 132, Laws of 1973 1st ex. sess. and RCW 46.70.070.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 2725, by Senators Rasmussen and Lewis (Harry):

An Act relating to state officers and employees; and adding a new section to chapter 10.01 RCW.

Referred to Committee on State Government.

SENATE BILL NO. 2726, by Senator Scott:

An Act relating to public records; and amending section 31, chapter 1, Laws of 1973 and RCW 42.17.310.

Referred to Committee on State Government.

SENATE BILL NO. 2727, by Senator Sellar:

An Act relating to port districts; adding a new section to chapter 53.12 RCW; and repealing section 4, chapter 348, Laws of 1955, section 1, chapter 72, Laws of 1957 and RCW 53.12.250.

Referred to Committee on Local Government.

SENATE BILL NO. 2728, by Senator Ridder:

An Act relating to revenue and taxation; amending section 2, chapter 169, Laws of 1974 ex. sess. and RCW 82.04.442; amending section 4, chapter 169, Laws of 1974 ex. sess. and RCW 82.04.443; and amending section 8, chapter 169, Laws of 1974 ex. sess. and RCW 84.36.470.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2729, by Senator Bottiger:

An Act relating to revenue and taxation; amending section 84.24.070, chapter 15, Laws of 1961 and RCW 84.24.070; amending section 84.68.030, chapter 15, Laws of 1961 and RCW 84.68.030; amending section 84.68.040, chapter 15, Laws of 1961 and RCW 84.68.040; amending section 84.68.140, chapter 15, Laws of 1961 and RCW 84.68.140; amending section 84.69.030, chapter 15, Laws of 1961 and RCW 84.69.030; amending section 84.69.050, chapter 15, Laws of 1961 as amended by section 1, chapter 5, Laws of 1973 2nd ex. sess. and RCW 84.69.050; amending section 84.69.060, chapter 15, Laws of 1961 as amended by section 2, chapter 5, Laws of 1973 2nd ex. sess. and RCW 84.69.060; amending section 84.69.070, chapter 15, Laws of 1961 as last amended by section 3, chapter 5, Laws of 1973 2nd ex. sess. and RCW 84.69.070; amending section 84.69.120, chapter 15, Laws of 1961 and RCW 84.69.120; adding a new section to chapter 84.69 RCW; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2730, by Senators Lewis (Harry), Bailey, Murray, North, Peterson, Gould, Francis, Scott, Sandison, Guess and Bluechel:

An Act relating to animals; amending section 17, chapter 146, Laws of 1901 and RCW 16.52.010; amending section 2, chapter 146, Laws of 1901 and RCW 16.52.030; amending section 14, chapter 146, Laws of 1901 and RCW 16.52.040; amending section 3, chapter 146, Laws of 1901 and RCW 16.52.055; adding new sections to chapter 146, Laws of 1901 and to chapter 16.52 RCW; defining crimes; and prescribing penalties.

Referred to Committee on Agriculture.

SENATE BILL NO. 2731, by Senators Lewis (Harry) and Peterson:

An Act relating to trapping; and adding a new section to chapter 77.32 RCW.

Referred to Committee on Natural Resources.

SENATE BILL NO. 2732, by Senator Donohue:

An Act relating to revenue and taxation; and adding new sections to chapter 84.56 RCW.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2733, by Senator Jones:

An Act relating to optional municipal code; and amending section 35A.11.010, chapter 119, Laws of 1967 ex. sess. and RCW 35A.11.010.

Referred to Committee on Local Government.

SENATE BILL NO. 2734, by Senators Rasmussen, Lewis (Harry), Bailey and Donohue:

An Act relating to shoreline management; amending section 9, chapter 286, Laws of 1971 ex. sess. and RCW 90.58.090; amending section 14, chapter 286, Laws of 1971 ex. sess. as amended by section 1, chapter 19, Laws of 1973 2nd ex. sess. and RCW 90.58.140; amending section 15, chapter 286, Laws of 1971 ex. sess. and RCW 90.58.150; amending section 18, chapter 286, Laws of 1971 ex. sess. as amended by section 2, chapter 203, Laws of 1973 1st ex. sess. and RCW 90.58.180; and adding a new section to chapter 90.58 RCW.

Referred to Committee on State Government.

SENATE BILL NO. 2735, by Senator Day:

An Act relating to mentally and/or physically deficient persons; amending section 72.33.020, chapter 28, Laws of 1959 as amended by section 101, chapter 154, Laws of 1973 1st ex. sess. and RCW 72.33.020; amending section 72.33.130, chapter 28, Laws of 1959 and RCW 72.33.130; amending section 72.33.140, chapter 28, Laws of 1959 and RCW 72.33.140; amending section 72.33.150, chapter 28, Laws of 1959 and RCW 72.33.150; amending section 72.33.160, chapter 28, Laws of 1959 as amended by section 4, chapter 166, Laws of 1969 ex. sess. and RCW 72.33.160; amending section 72.33.170, chapter 28, Laws of 1959 and RCW 72.33.170; amending section 72.33.200, chapter 28, Laws of 1959 and RCW 72.33.200; amending section 72.33.220, chapter 28, Laws of 1959 and RCW 72.33.220; amending section 72.33.240, chapter 28, Laws of 1959 as amended by section 135, chapter 81, Laws of 1971 and RCW 72.33.240; adding new sections to chapter 72.33 RCW; and repealing section 72.33.120, chapter 28, Laws of 1959, section 1, chapter 154, Laws of 1959 and RCW 72.33.120.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2736, by Senators Donohue, Odegaard and Newschwander:

An Act relating to revenue and taxation; amending section 1, chapter 191, Laws of 1939 as last amended by section 4, chapter 4, Laws of 1973 2nd ex. sess. and RCW 70.12.010; amending section 2, chapter 169, Laws of 1974 ex. sess. and RCW 82.04.442; amending section 4, chapter 169, Laws of 1974 ex. sess. and RCW 82.04.443; amending section 84.36.020, chapter 15, Laws of 1961 as last amended by section 1, chapter 40, Laws of 1973 2nd ex. sess. and RCW 84.36.020; amending section 1, chapter 182, Laws of 1974 ex. sess. and RCW 84.36.381; amending section 4, chapter 182, Laws of 1974 ex. sess. and RCW 84.36.387; amending section 8, chapter 169, Laws of 1974 ex. sess. and RCW 84.36.470; amending section 84.69.020, chapter 15, Laws of 1961 as last amended by section 2, chapter 122, Laws of 1974 ex. sess. and RCW 84.69.020; and repealing section 18, chapter 288, Laws of 1971 ex. sess. and RCW 84.10.010.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2737, by Senator Walgren:

An Act relating to counties; amending section 20, chapter 72, Laws of 1967 and RCW 36.94.200; adding new sections to chapter 36.94 RCW; and declaring an emergency.

Referred to Committee on Local Government.

SENATE BILL NO. 2738, by Senator Stortini:

An Act relating to 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. 2739, by Senator Henry:

An Act relating to architects; and adding a new section to chapter 18.08 RCW.

Referred to Committee on Commerce.

SENATE BILL NO. 2740, by Senators Matson and Mardesich:

An Act relating to education; amending section 16, chapter 15, Laws of 1970 ex. sess. as amended by section 2, chapter 49, Laws of 1973 and RCW 28A.67.070; and amending section 19, chapter 34, Laws of 1969 ex. sess. as last amended by section 11, chapter 75, Laws of 1974 ex. sess. and RCW 28A.21.105.

Referred to Committee on Education.

SENATE BILL NO. 2741, by Senators Clarke, Jolly and Jones:

An Act relating to savings and loan associations and mutual savings banks; and amending section 1, chapter 154, Laws of 1917 as amended by section 1, chapter 177, Laws of 1927 and RCW 33.44.020.

Referred to Committee on Financial Institutions.

SENATE BILL NO. 2742, by Senators Sandison and Newschwander:

An Act relating to duty-related death, disability or injury benefits for duly sworn police officers of state colleges and universities; 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. 2743, by Senators von Reichbauer and Washington:

An Act relating to the public disclosure commission; and adding a new section to chapter 42.17 RCW.

Referred to Committee on Constitution and Elections.

SENATE BILL NO. 2744, by Senators Day, Donohue and Lewis (Harry):

An Act relating to health care; and adding a new section to chapter 5.60 RCW.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2745, by Senator Francis:

An Act relating to regulation of insurance; amending section .05.13, chapter 79, Laws of 1947 and RCW 48.05.130; amending section .17.05, chapter 79, Laws of 1947 and RCW 48.17.050; 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; amending section .17.38, chapter 79, Laws of 1947 as amended by section 48, chapter 292, Laws of 1971 ex. sess. and RCW 48.17.380; amending section .17.39, chapter 79, Laws of 1947 and RCW 48.17.390; amending section .17.40, chapter 79, Laws of 1947 and RCW 48.17.400; amending section .17.42, chapter 79, Laws of 1947 and RCW 48.17.420; amending section .30.02, chapter 79, Laws of 1947 and RCW 48.30.020; amending section .30.23, chapter 79, Laws of 1947 and RCW 48.30.230; adding a new section to chapter 48.17 RCW; creating a new section; and adding new sections to chapter 48.30 RCW.

Referred to Committee on Financial Institutions.

SENATE BILL NO. 2746, by Senator Donohue:

An Act relating to the support of government, state and local; providing for the planning, acquisition, construction, remodeling, equipping and improvement of state-wide cultural facilities, including grants therefor; providing for the financing thereof by the issuance of bonds and anticipation notes; authorizing certain charges against state agencies; creating new sections; and declaring an emergency.

Referred to Committee on State Government.

SENATE BILL NO. 2747, by Senator Francis:

An Act relating to insurance law; and adding a new section to chapter 48.30 RCW.

Referred to Judiciary Committee.

SENATE BILL NO. 2748, by Senator Francis:

An Act relating to the law against discrimination; amending section 15, chapter 270, Laws of 1955 as amended by section 16, chapter 37, Laws of 1957 and RCW 49.60.230; and adding a new section to chapter 49.60 RCW.

Referred to Judiciary Committee.

SENATE BILL NO. 2749, by Senators Francis and Sandison:

An Act relating to the law against discrimination; and amending section 4, chapter 167, Laws of 1969 ex. sess. as amended by section 13, chapter 141, Laws of 1973 and RCW 49.60.222.

Referred to Judiciary Committee.

SENATE BILL NO. 2750, by Senator von Reichbauer:

An Act relating to townships; and adding a new chapter to Title 45 RCW.

Referred to Committee on Local Government.

SENATE BILL NO. 2751, by Senators Donohue, Odegaard and Bottiger:

An Act relating to revenue and taxation; amending section 14, chapter 89, Laws of 1969 ex. sess. as amended by section 13, chapter 195, Laws of 1973 1st ex. sess. and RCW 35.10.315; amending section 5, chapter 7, Laws of 1967 and RCW 35.32A.030; amending section 7, chapter 7, Laws of 1967 and RCW 35.32A.050; amending section 3, chapter 95, Laws of 1969 ex. sess. and RCW 35.33.031; amending section 5, chapter 95, Laws of 1969 ex. sess. and RCW 35.33.051; amending section 6, chapter 95, Laws of 1969 ex. sess. and RCW 35.33.055; amending section 7, chapter 95, Laws of 1969 ex. sess. and RCW 35.33.057; amending section 8, chapter 95, Laws of 1969 ex. sess. as amended by section 2, chapter 67, Laws of 1973 and RCW 35.33.061; amending section 9, chapter 95, Laws of 1969 ex. sess. and RCW 35.33.071; amending section 10, chapter 95, Laws of 1969 ex. sess. and RCW 35.33.075; amending section 20, chapter 95, Laws of 1969 ex. sess. and RCW 35.33.135; amending section 35A.33.030, chapter 119, Laws of 1967 ex. sess. and RCW 35A.33.030; amending section 35A.33.050, chapter 119, Laws of 1967 ex. sess. and RCW 35A.33.050; amending section 35A.33.052, chapter 119, Laws of 1967 ex. sess. and RCW 35A.33.052; amending section 35A.33.055, chapter 119, Laws of 1967 ex. sess. and RCW 35A.33.055; amending section 35A.33.060, chapter 119, Laws of 1967 ex. sess. as amended by section 1, chapter 67, Laws of 1973 and RCW 35A.33.060; amending section 35A.33.070, chapter 119, Laws of 1967 ex. sess. and RCW 35A.33.070; amending section 35A.33.075, chapter 119, Laws of 1967 ex. sess. as amended by section 3, chapter 81, Laws of 1969 ex. sess. and RCW 35A.33.075; amending section 35A.33.135, chapter 119, Laws of 1967 ex. sess. and RCW 35A.33.135; amending section 1, chapter 27, Laws of 1971 ex. sess. as amended by section 17, chapter 288, Laws of 1971 ex. sess. and RCW 36.21.015; amending section 36.40.010, chapter 4, Laws of 1963 and RCW 36.40.010; amending section 36.40.020, chapter 4, Laws of 1963 and RCW 36.40.020; amending section 36.40.050, chapter 4, Laws of 1963 and RCW 36.40.050; amending section 36.40.060, chapter 4, Laws of 1963 and RCW 36.40.060; amending section 36.40.070, chapter 4, Laws of 1963 and RCW 36.40.070; amending section 36.40.090, chapter 4, Laws of

1963 as amended by section 33, chapter 195, Laws of 1973 1st ex. sess. and RCW 36.40.090; amending section 36.69.160, chapter 4, Laws of 1963 and RCW 36.69.160; amending section 35, chapter 34, Laws of 1939 and RCW 52.16.030; amending section 2, chapter 159, Laws of 1959 and RCW 53.35.020; amending section 4, chapter 159, Laws of 1959 and RCW 53.35.040; amending section 11, chapter 65, Laws of 1955 as amended by section 56, chapter 195, Laws of 1973 1st ex. sess. and RCW 53.36.020; amending section 9, chapter 390, Laws of 1955 as amended by section 60, chapter 195, Laws of 1973 1st ex. sess. and RCW 54.16.080; amending section 21, chapter 6, Laws of 1947 and RCW 68.16.210; amending section 6, chapter 264, Laws of 1945 as last amended by section 2, chapter 165, Laws of 1974 ex. sess. and RCW 70.44.060; amending section 16, chapter 238, Laws of 1967 as amended by section 8, chapter 168, Laws of 1969 ex. sess. and RCW 70.94.092; amending section 84.08.130, chapter 15, Laws of 1961 and RCW 84.08.130; amending section 84.09.030, chapter 15, Laws of 1961 and RCW 84.09.030; 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; amending section 84.48.010, chapter 15, Laws of 1961 as amended by section 2, chapter 55, Laws of 1970 ex. sess. and RCW 84.48.010; amending section 84.52.020, chapter 15, Laws of 1961 and RCW 84.52.020; 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 84.56.050, chapter 15, Laws of 1961 as amended by section 1, chapter 94, Laws of 1963 and RCW 84.56.050; amending section 84.60.020, chapter 15, Laws of 1961 and RCW 84.60.020; amending section 10, chapter 209, Laws of 1959 and RCW 85.05.270; amending section 2, chapter 26, Laws of 1949 and RCW 85.16.020; amending section 23, chapter 131, Laws of 1961 and RCW 85.32.220; amending section 18, page 681, Laws of 1889-90 as last amended by section 3, chapter 43, Laws of 1933 and RCW 87.03.240; amending section 20, page 682, Laws of 1889-90 as last amended by section 12, chapter 129, Laws of 1921 and RCW 87.03.250; amending section 13, chapter 56, Laws of 1949 and RCW 87.80.140; amending section 14, chapter 56, Laws of 1949 and RCW 87.80.150; adding a new section to chapter 36.21 RCW; adding a new section to chapter 84.48 RCW; adding new sections to chapter 84.52 RCW; repealing section 1, chapter 136, Laws of 1971 ex. sess. and RCW 36.40.071; repealing section 1, chapter 19, Laws of 1974 ex. sess. and RCW 53.35.045; repealing section 84.52.030, chapter 15, Laws of 1961 and RCW 84.52.030; repealing section 84.52.070, chapter 15, Laws of 1961 and RCW 84.52.070; prescribing effective dates; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2752, by Senators Donohue, Odegaard and Bottiger:

An Act relating to mobile homes; amending section 28A.45.030, chapter 223, Laws of 1969 ex. sess. and RCW 28A.45.030; amending section 28A.45.040, chapter 223, Laws of 1969 ex. sess. and RCW 28A.45.040; amending section 28A.45.050, chapter 223, Laws of 1969 ex. sess. and RCW 28A.45.050; amending section 28A.45.060, chapter 223, Laws of 1969 ex. sess. and RCW 28A.45.060; amending section 28A.45.090, chapter 223, Laws of 1969 ex. sess. and RCW 28A.45.090; amending section 28A.45.100, chapter 223, Laws of 1969 ex. sess. and RCW 28A.45.100; amending section 28A.45.105, chapter 223, Laws of 1969 ex. sess. and RCW 28A.45.105; amending section 28A.45.120, chapter 223, Laws of 1969 ex. sess. and RCW 28A.45.120; amending section 46.12.030, chapter 12, Laws of 1961 as last amended by section 1, chapter 128, Laws of 1974 ex. sess. and RCW 46.12.030; amending section 20, chapter 231, Laws of 1971 ex. sess. as amended by section 6, chapter 103, Laws of 1973 and RCW 46.16.104; amending section 21, chapter 231, Laws of 1971 ex. sess. and RCW 46.16.105; amending section 82.08.030, chapter 15, Laws of 1961 as last amended by section 1, chapter 185, Laws of 1974 ex. sess. and RCW 82.08.030; amending section 82.12.030, chapter 15, Laws of 1961 as last amended by section 2, chapter 185, Laws of 1974 ex. sess. and RCW 82.12.030; amending section 68, chapter 299, Laws of 1971 ex. sess. and RCW 82.50.530; amending section 84.60.020, chapter 15, Laws of 1961 and RCW 84.60.020; adding a new section to chapter 223, Laws of 1969 ex. sess. and to

chapter 28A.45 RCW; creating new sections; and repealing section 73, chapter 299, Laws of 1971 ex. sess., section 5, chapter 103, Laws of 1973 and RCW 82.50.902.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2753, by Senators Ridder, Murray and Lewis (R. H. "Bob"):

An Act relating to public health officers; amending section 1, chapter 51, Laws of 1967 ex. sess. and RCW 70.05.010; amending section 9, chapter 51, Laws of 1967 ex. sess. as amended by section 1, chapter 114, Laws of 1969 ex. sess. and RCW 70.05.050; amending section 15, chapter 51, Laws of 1967 ex. sess. and RCW 70.05.100; amending section 3, chapter 46, Laws of 1949 and RCW 70.08.030; and amending section 9, chapter 183, Laws of 1945 as amended by section 21, chapter 51, Laws of 1967 ex. sess. and RCW 70.46.090.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2754, by Senator Ridder:

An Act relating to employer/employee relations in the public sector; and providing for an educational employment relations act.

Referred to Committee on Labor.

SENATE BILL NO. 2755, by Senator Morrison:

An Act relating to the law against discrimination; amending section 4, chapter 167, Laws of 1969 ex. sess. as amended by section 13, chapter 141, Laws of 1973 and RCW 49.60.222; amending section 16, chapter 270, Laws of 1955 as amended by section 17, chapter 37, Laws of 1957 and RCW 49.60.240; amending section 17, chapter 270, Laws of 1955 as amended by section 18, chapter 37, Laws of 1957 and RCW 49.60.250; amending section 19, chapter 37, Laws of 1957 and RCW 49.60.255; amending section 21, chapter 37, Laws of 1957 as amended by section 118, chapter 81, Laws of 1971 and RCW 49.60.260; amending section 22, chapter 37, Laws of 1957 and RCW 49.60.270; repealing section 24, chapter 37, Laws of 1957 and RCW 49.60.290; and repealing section 11, chapter 183, Laws of 1949 and RCW 49.60.320.

Referred to Judiciary Committee.

SENATE BILL NO. 2756, by Senators von Reichbauer and Rasmussen:

An Act relating to personal property; amending section 1, chapter 100, Laws of 1925 ex. sess. as last amended by section 1, chapter 44, Laws of 1973 1st ex. sess. and RCW 63.32.010; and amending section 1, chapter 104, Laws of 1961 as last amended by section 4, chapter 44, Laws of 1973 1st ex. sess. and RCW 63.40.010.

Referred to Committee on Local Government.

SENATE BILL NO. 2757, by Senators Odegaard, Donohue and Newschwander:

An Act relating to the apportionment of school funds.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2758, by Senators Odegaard, Donohue and Newschwander:

An Act relating to the apportionment of school funds.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2759, by Senators Matson and Mardesich:

An Act relating to certificated school employees.

Referred to Committee on Education.

SENATE BILL NO. 2760, by Senator McDermott:

An Act relating to shopping centers.

MOTION

On motion of Senator Mardesich, Senate Bill No. 2760 was referred to the Committee on Constitution and Elections.

SENATE BILL NO. 2761, by Senator Washington:
An Act relating to irrigation.
Referred to Committee on Ecology.

SENATE BILL NO. 2762, by Senator Washington:
An Act relating to pollution control equipment.
Referred to Committee on Ecology.

SENATE BILL NO. 2763, by Senators Lewis (Harry), Wanamaker, Rasmussen and Day:
An Act providing a master license for retail groceries and markets.
Referred to Committee on Commerce.

SENATE BILL NO. 2764, by Senator Washington:
An Act relating to pollution control facilities.
Referred to Committee on Ecology.

SENATE BILL NO. 2765, by Senator Mardesich:
An Act relating to public pensions.
Referred to Committee on Ways and Means.

SENATE BILL NO. 2766, by Senator von Reichbauer:
An Act relating to dental hygiene.
Referred to Committee on Social and Health Services.

SENATE BILL NO. 2767, by Senator Jones:
An Act relating to state residential schools; and amending chapter 72.33 RCW.
Referred to Committee on Social and Health Services.

SENATE BILL NO. 2768, by Senator Jones:
An Act relating to state institutions; and amending Title 72 RCW.
Referred to Committee on Social and Health Services.

SENATE BILL NO. 2769, by Senator von Reichbauer:
An Act relating to education.
Referred to Committee on Education.

SENATE BILL NO. 2770, by Senator von Reichbauer:
An Act relating to contingency fees medical care.
Referred to Committee on Social and Health Services.

SENATE BILL NO. 2771, by Senator Stortini:
An Act relating to education.
Referred to Committee on Education.

SENATE BILL NO. 2772, by Senators Donohue, Odegaard and Wilson:
An Act relating to the support of government; and making appropriations.
Referred to Committee on Ways and Means.

SENATE BILL NO. 2773, by Senators Donohue, Odegaard and Wilson:
An Act relating to the support of government; and making appropriations.
Referred to Committee on Ways and Means.

SENATE BILL NO. 2774, by Senators Donohue and Newschwander:
An Act relating to revenue and taxation.
Referred to Committee on Ways and Means.

SENATE BILL NO. 2775, by Senators Donohue, Odegaard and Newschwander:
 An Act relating to revenue and taxation.
 Referred to Committee on Ways and Means.

SENATE BILL NO. 2776, by Senators Donohue and Newschwander:
 An Act relating to the support of government; and making appropriations.
 Referred to Committee on Ways and Means.

SENATE BILL NO. 2777, by Senators Odegaard and Lewis (Harry):
 An Act relating to timber taxation.
 Referred to Committee on Ways and Means.

SENATE BILL NO. 2778, by Senators Donohue, Odegaard and Wilson:
 An Act relating to revenue and taxation.
 Referred to Committee on Ways and Means.

SENATE BILL NO. 2779, by Senator Odegaard:
 An Act relating to the taxation of property.
 Referred to Committee on Ways and Means.

SENATE BILL NO. 2780, by Senators Donohue and Newschwander:
 An Act relating to the taxation of property.
 Referred to Committee on Ways and Means.

SENATE BILL NO. 2781, by Senators Donohue, Odegaard and Wilson:
 An Act relating to revenue and taxation.
 Referred to Committee on Ways and Means.

SENATE BILL NO. 2782, by Senators Donohue, Odegaard and Newschwander:
 An Act relating to the support of government; and making appropriations.
 Referred to Committee on Ways and Means.

SENATE BILL NO. 2783, by Senators Donohue and Newschwander:
 An Act relating to the taxation of property.
 Referred to Committee on Ways and Means.

SENATE BILL NO. 2784, by Senator Fleming:
 An Act relating to buildings.
 Referred to Committee on Local Government.

SENATE BILL NO. 2785, by Senator Fleming:
 An Act relating to buildings.
 Referred to Committee on Local Government.

SENATE BILL NO. 2786, by Senator Stortini:
 An Act relating to education.
 Referred to Committee on Education.

SENATE BILL NO. 2787, by Senator Day:
 An Act relating to public assistance.
 Referred to Committee on Social and Health Services.

SENATE BILL NO. 2788, by Senator Beck:
 An Act relating to elections.
 Referred to Committee on Constitution and Elections.

SENATE BILL NO. 2789, by Senators McDermott and Day:
An Act relating to mental health.
Referred to Committee on Social and Health Services.

SENATE BILL NO. 2790, by Senator Day:
An Act relating to health care professionals; and adding a new section to chapter
4.15 RCW.
Referred to Committee on Social and Health Services.

SENATE BILL NO. 2791, by Senator Day:
An Act relating to health care; and adding a new section to chapter 5.60 RCW.
Referred to Committee on Social and Health Services.

SENATE BILL NO. 2792, by Senator Beck:
An Act relating to the legislature.
Referred to Committee on Constitution and Elections.

SENATE BILL NO. 2793, by Senator Wilson:
An Act relating to revenue and taxation.
Referred to Committee on Ways and Means.

SENATE BILL NO. 2794, by Senator Wilson:
An Act relating to the support of government; and making appropriations.
Referred to Committee on Ways and Means.

SENATE BILL NO. 2795, by Senator Beck:
An Act relating to public disclosure.
Referred to Committee on Constitution and Elections.

SENATE BILL NO. 2796, by Senator Beck:
An Act relating to public disclosure.
Referred to Committee on Constitution and Elections.

SENATE BILL NO. 2797, by Senator Beck:
An Act relating to elections.
Referred to Committee on Constitution and Elections.

SENATE BILL NO. 2798, by Senator Day:
An Act relating to health maintenance organizations.
Referred to Committee on Social and Health Services.

SENATE BILL NO. 2799, by Senator Day:
An Act relating to the department of social and health services.
Referred to Committee on Social and Health Services.

SENATE BILL NO. 2800, by Senator Beck:
An Act relating to the legislature.
Referred to Committee on Constitution and Elections.

SENATE BILL NO. 2801, by Senator Fleming:
An Act relating to local government, including cities, towns, counties and other
local subdivisions.
Referred to Committee on Local Government.

SENATE BILL NO. 2802, by Senator Odegaard:
An Act relating to unemployment compensation.
Referred to Committee on Labor.

SENATE BILL NO. 2803, by Senator Bluechel:

An Act relating to transportation and the fiscal support thereof.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 2804, by Senator Bluechel:

An Act relating to transportation.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 2805, by Senator Stortini:

An Act relating to elections.

Referred to Committee on Constitution and Elections.

SENATE BILL NO. 2806, by Senators Donohue and Odegaard:

An Act relating to the taxation of property.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2807, by Senators Lewis (Harry) and Odegaard:

An Act relating to timber taxation.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2808, by Senator Fleming:

local subdivisions. An Act relating to local government, including cities, towns, counties and other

Referred to Committee on Local Government.

SENATE BILL NO. 2809, by Senator Fleming:

local subdivisions. An Act relating to local government, including cities, towns, counties and other

Referred to Committee on Local Government.

SENATE BILL NO. 2810, by Senator Fleming:

local subdivisions. An Act relating to local government, including cities, towns, counties and other

Referred to Committee on Local Government.

SENATE BILL NO. 2811, by Senator Fleming:

local subdivisions. An Act relating to local government, including cities, towns, counties and other

Referred to Committee on Local Government.

SENATE BILL NO. 2812, by Senator Stortini:

An Act relating to education.

Referred to Committee on Education.

SENATE BILL NO. 2813, by Senators Rasmussen, Donohue and Odegaard:

An Act relating to data processing and communications proceedings.

Referred to Committee on State Government.

SENATE BILL NO. 2814, by Senator Mardesich:

An Act relating to federal social security for public employees.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2815, by Senator Guess:

An Act relating to charitable solicitations.

Referred to Judiciary Committee.

SENATE BILL NO. 2816, by Senator Guess:
An Act relating to open burning.
Referred to Committee on Agriculture.

SENATE BILL NO. 2817, by Senator Mardesich:
An Act relating to pensions.
Referred to Committee on Ways and Means.

SENATE BILL NO. 2818, by Senator Beck:
An Act relating to revenue and taxation; and providing relief for the citizens of this state from school district special levies.
Referred to Committee on Ways and Means.

SENATE BILL NO. 2819, by Senators Jolly, Peterson and Lewis (R. H. "Bob"):
An Act relating to outdoor advertising.
Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 2820, by Senator Morrison:
An Act relating to a system of common school funding.
Referred to Committee on Ways and Means.

SENATE BILL NO. 2821, by Senator Bailey:
An Act relating to fisheries.
Referred to Committee on Natural Resources.

SENATE BILL NO. 2822, by Senator Ridder:
An Act relating to industrial welfare.
Referred to Committee on Labor.

SENATE BILL NO. 2823, by Senator Jones:
An Act relating to mental retardation.
Referred to Committee on Social and Health Services.

SENATE BILL NO. 2824, by Senators Bottiger and Wanamaker:
An Act relating to arterial roads and streets.
Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 2825, by Senators Lewis (Harry) and Matson:
An Act relating to ecology.
Referred to Committee on Ecology.

SENATE BILL NO. 2826, by Senator Jones:
An Act relating to child welfare services; and amending chapter 74.13 RCW.
Referred to Committee on Social and Health Services.

SENATE BILL NO. 2827, by Senator Jones:
An Act relating to group homes.
Referred to Committee on Social and Health Services.

SENATE BILL NO. 2828, by Senators Jolly, Peterson and Lewis (R. H. "Bob"):
An Act relating to scenic and recreational highways.
Referred to Committee on Natural Resources.

SENATE BILL NO. 2829, by Senator Morrison:
An Act relating to sentencing procedures.
Referred to Judiciary Committee.

SENATE BILL NO. 2830, by Senator Walgren:
An Act relating to pilotage.
Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 2831, by Senator Matson:
An Act relating to businesses and professions and regulating the business of hair-styling.
Referred to Committee on Commerce.

SENATE BILL NO. 2832, by Senator Bluechel:
An Act relating to natural resources.
Referred to Committee on Natural Resources.

SENATE BILL NO. 2833, by Senators Wanamaker, Jolly, Beck and Sellar:
An Act relating to railroad grade crossing protective devices.
Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 2834, by Senators Bluechel and Clarke:
An Act relating to financial institutions.
Referred to Committee on Financial Institutions.

SENATE BILL NO. 2835, by Senators Jolly, Sellar and Washington:
An Act relating to reclamation districts.
Referred to Committee on Agriculture.

SENATE BILL NO. 2836, by Senator Stortini:
An Act relating to school district transportation.
Referred to Committee on Education.

SENATE BILL NO. 2837, by Senator Francis:
An Act relating to real property.
Referred to Judiciary Committee.

SENATE BILL NO. 2838, by Senator Francis:
An Act relating to the law of torts.
Referred to Judiciary Committee.

SENATE BILL NO. 2839, by Senator Francis:
An Act relating to civil procedure.
Referred to Judiciary Committee.

SENATE BILL NO. 2840, by Senator Francis:
An Act relating to the sentencing of persons convicted of criminal offenses.
Referred to Judiciary Committee.

SENATE BILL NO. 2841, by Senator Francis:
An Act relating to justice courts.
Referred to Judiciary Committee.

SENATE BILL NO. 2842, by Senator Francis:
An Act relating to private communications between two or more persons.
Referred to Judiciary Committee.

SENATE BILL NO. 2843, by Senator Francis:
An Act relating to civil actions.
Referred to Judiciary Committee.

SENATE BILL NO. 2844, by Senator Francis:
An Act relating to campaign practices.
Referred to Committee on Constitution and Elections.

SENATE BILL NO. 2845, by Senator Francis:
An Act relating to human rights.
Referred to Judiciary Committee.

SENATE BILL NO. 2846, by Senator Francis:
An Act relating to zoning transcripts procedures.
Referred to Judiciary Committee.

SENATE BILL NO. 2847, by Senator Francis:
An Act relating to real estate brokers.
Referred to Judiciary Committee.

SENATE BILL NO. 2848, by Senator Francis:
An Act relating to privacy.
Referred to Judiciary Committee.

SENATE BILL NO. 2849, by Senator Francis:
An Act relating to community property agreements.
Referred to Judiciary Committee.

SENATE BILL NO. 2850, by Senator Francis:
An Act relating to the courts and the judiciary.
Referred to Judiciary Committee.

SENATE BILL NO. 2851, by Senator Francis:
An Act relating to education; and amending section 28A.45.010, chapter 223, Laws of 1969 ex. sess. as amended by section 1, chapter 55, Laws of 1970 ex. sess. and RCW 28A.45.010.
Referred to Judiciary Committee.

SENATE BILL NO. 2852, by Senator Francis:
An Act relating to enforcement of judgments; and amending section 7, chapter 53, Laws of 1899 and RCW 6.24.130.
Referred to Judiciary Committee.

SENATE BILL NO. 2853, by Senator Francis:
An Act relating to private communications between two or more persons; adding new sections to chapter 9.73 RCW; repealing section 1, chapter 93, Laws of 1967 ex. sess. and RCW 9.73.030; repealing section 2, chapter 93, Laws of 1967 ex. sess. and RCW 9.73.040; repealing section 3, chapter 93, Laws of 1967 ex. sess. and RCW 9.73.050; repealing section 4, chapter 93, Laws of 1967 ex. sess. and RCW 9.73.060; repealing section 5, chapter 93, Laws of 1967 ex. sess. and RCW 9.73.070; repealing section 6, chapter 93, Laws of 1967 ex. sess. and RCW 9.73.080; repealing section 1, chapter 48, Laws of 1970 ex. sess. and RCW 9.73.090; repealing section 2, chapter 48, Laws of 1970 ex. sess. and RCW 9.73.100; and providing penalties.
Referred to Judiciary Committee.

SENATE BILL NO. 2854, by Senator Van Hollebeke:
An Act relating to state government; enacting the Consumer Cost Evaluation Act; and adding new sections to chapter 44.28 RCW.
Referred to Committee on Commerce.

SENATE BILL NO. 2855, by Senators Newschwander, Walgren, Sandison and Peterson:

An Act relating to community college faculty tenure; and amending section 33, chapter 283, Laws of 1969 ex. sess. as last amended by section 1, chapter 33, Laws of 1974 ex. sess. and RCW 28B.50.851.

Referred to Committee on Higher Education.

SENATE BILL NO. 2856, by Senator Henry:

An Act relating to the public employees' retirement system; adding a new section to chapter 41.40 RCW; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2857, by Senators Jolly and Morrison:

An Act relating to public employees' collective bargaining; amending section 1, chapter 131, Laws of 1973 and RCW 41.46.430; amending section 3, chapter 131, Laws of 1973 and RCW 41.56.440; amending section 4, chapter 131, Laws of 1973 and RCW 41.56.450; and amending section 5, chapter 131, Laws of 1973 and RCW 41.56.460.

Referred to Committee on Labor.

SENATE BILL NO. 2858, by Senators Bailey, Odegaard and Lewis (Harry):

An Act relating to revenue and taxation; amending section 82.08.030, chapter 15, Laws of 1961 as last amended by section 1, chapter 185, Laws of 1974 ex. sess. and RCW 82.08.030; and amending section 82.12.030, chapter 15, Laws of 1961 as last amended by section 2, chapter 185, Laws of 1974 ex. sess. and RCW 82.12.030.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2859, by Senator Lewis (R. H. "Bob"):

An Act relating to cities and towns; and amending section 35.13.130, chapter 7, Laws of 1965 as last amended by section 12, chapter 164, Laws of 1973 1st ex. sess. and RCW 35.13.130.

Referred to Committee on Local Government.

SENATE BILL NO. 2860, by Senators Day and Cunningham:

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; creating a new section; and making an effective date.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2861, by Committee on Higher Education:

An Act relating to the laws against discrimination; and amending section 4, chapter 167, Laws of 1969 ex. sess. as amended by section 13, chapter 141, Laws of 1973 and RCW 49.60.222.

Referred to Committee on Rules.

SENATE BILL NO. 2862, by Senator Sellar:

An Act relating to legal holidays; and amending section 1, chapter 51, Laws of 1927 as last amended by section 1, chapter 1, Laws of 1973 2nd ex. sess. and RCW 1.16.050.

Referred to Committee on Local Government.

SENATE BILL NO. 2863, by Senators Marsh, McDermott and Gould:

An Act relating to the physical safety of school children; 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. 2864, by Senator Rasmussen:

An Act relating to landlord and tenant; amending section 32, chapter 207, Laws of

1973 1st ex. sess. and RCW 59.18.320; amending section 38, chapter 207, Laws of 1973 1st ex. sess. and RCW 59.18.370; amending section 39, chapter 207, Laws of 1973 1st ex. sess. and RCW 59.18.380; amending section 40, chapter 207, Laws of 1973 1st ex. sess. and RCW 59.18.390; amending section 41, chapter 207, Laws of 1973 1st ex. sess. and RCW 59.18.400; amending section 42, chapter 207, Laws of 1973 1st ex. sess. and RCW 59.18.410; amending section 44, chapter 207, Laws of 1973 1st ex. sess. and RCW 59.18.420; and adding a new section to chapter 59.18 RCW.

Referred to Judiciary Committee.

SENATE BILL NO. 2865, by Senator Bailey:

An Act relating to food fish and shellfish; creating a new chapter in Title 75 RCW; defining crimes; and prescribing penalties.

Referred to Committee on Natural Resources.

SENATE BILL NO. 2866, by Senator Guess:

An Act relating to liens; adding a new chapter to Title 60 RCW; repealing section 1, chapter 24, Laws of 1893, section 1, chapter 116, Laws of 1905, section 1, chapter 279, Laws of 1959, section 2, chapter 94, Laws of 1971 ex. sess. and RCW 60.04.010; repealing section 1, chapter 45, Laws of 1909, section 1, chapter 77, Laws of 1911, section 1, chapter 214, Laws of 1957, section 1, chapter 278, Laws of 1959, section 2, chapter 279, Laws of 1959, section 1, chapter 98, Laws of 1965, section 1, chapter 84, Laws of 1969 ex. sess. and RCW 60.04.020; repealing section 2, chapter 24, Laws of 1893, section 2, chapter 116, Laws of 1905 and RCW 60.04.030; repealing section 3, chapter 24, Laws of 1893, section 1, chapter 230, Laws of 1929, section 3, chapter 279, Laws of 1959, section 3, chapter 94, Laws of 1971 ex. sess. and RCW 60.04.040; repealing section 4, chapter 24, Laws of 1893, section 4, chapter 279, Laws of 1959 and RCW 60.04.050; repealing section 5, chapter 24, Laws of 1893, section 1(5a), chapter 217, Laws of 1949, section 5, chapter 279, Laws of 1959, section 1, chapter 94, Laws of 1971 ex. sess. and RCW 60.04.060; repealing section 1(5b), chapter 217, Laws of 1949, section 6, chapter 279, Laws of 1959 and RCW 60.04.064; repealing section 1(5c), chapter 217, Laws of 1949, section 7, chapter 279, Laws of 1959 and RCW 60.04.067; repealing section 6, chapter 24, Laws of 1893, section 2, chapter 217, Laws of 1949 and RCW 60.04.070; repealing section 7, chapter 24, Laws of 1893 and RCW 60.04.080; repealing section 8, chapter 24, Laws of 1893, section 8, chapter 279, Laws of 1959 and RCW 60.04.090; repealing section 9, chapter 24, Laws of 1893, section 1, chapter 209, Laws of 1943 and RCW 60.04.100; repealing section 10, chapter 24, Laws of 1893, section 9, chapter 279, Laws of 1959 and RCW 60.04.110; repealing section 11, chapter 24, Laws of 1893 and RCW 60.04.120; repealing section 12, chapter 24, Laws of 1893, section 10, chapter 279, Laws of 1959, section 1, chapter 38, Laws of 1969, section 129, chapter 81, Laws of 1971 and RCW 60.04.130; repealing section 14, chapter 24, Laws of 1893, section 11, chapter 279, Laws of 1959 and RCW 60.04.140; repealing section 15, chapter 24, Laws of 1893 and RCW 60.04.150; repealing section 16, chapter 24, Laws of 1893 and RCW 60.04.160; repealing section 17, chapter 24, Laws of 1893 and RCW 60.04.170; repealing section 13, chapter 24, Laws of 1893, section 12, chapter 279, Laws of 1959 and RCW 60.04.180; repealing section 1, chapter 47, Laws of 1973 1st ex. sess. and RCW 60.04.200; repealing section 1, chapter 110, Laws of 1917 and RCW 60.16.010; repealing section 2, chapter 110, Laws of 1917 and RCW 60.16.020; repealing section 3, chapter 110, Laws of 1917 and RCW 60.16.030; repealing section 1, chapter 18, Laws of 1943 and RCW 60.20.010; repealing section 2, chapter 18, Laws of 1943 and RCW 60.20.020; repealing section 3, chapter 18, Laws of 1943, section 1, chapter 239, Laws of 1955 and RCW 60.20.030; repealing section 4, chapter 18, Laws of 1943 and RCW 60.20.040; repealing section 5, chapter 18, Laws of 1943 and RCW 60.20.050; repealing section 6, chapter 18, Laws of 1943 and RCW 60.20.060; repealing section 1, chapter 107, Laws of 1931 and RCW 60.48.010; and repealing section 2, chapter 107, Laws of 1931 and RCW 60.48.020.

Referred to Judiciary Committee.

SENATE BILL NO. 2867, by Senator Day:
An Act relating to community based corrections.
Referred to Committee on Social and Health Services.

SENATE BILL NO. 2868, by Senator Francis:
An Act relating to the law of contracts.
Referred to Judiciary Committee.

SENATE BILL NO. 2869, by Senator Francis:
An Act relating to domestic relations.
Referred to Judiciary Committee.

SENATE BILL NO. 2870, by Senator Francis:
An Act relating to landlords and tenants.
Referred to Judiciary Committee.

SENATE BILL NO. 2871, by Senator Goltz:
An Act relating to the retail sales tax; amending section 82.08.030, chapter 15, Laws of 1961 as last amended by section 1, chapter 185, Laws of 1974 ex. sess. and RCW 82.08.030; and prescribing an effective date.
Referred to Committee on Ways and Means.

SENATE BILL NO. 2872, by Senator Grant:
An Act relating to the registration of voters; amending section 29.07.010, chapter 9, Laws of 1965 as amended by section 4, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.010; 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; 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 29.07.040, chapter 9, Laws of 1965, section 6, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.040; repealing section 29.07.050, chapter 9, Laws of 1965, section 7, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.050; 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; repealing section 29.07.070, chapter 9, Laws of 1965, section 9, chapter 202, Laws of 1971 ex. sess., section 3, chapter 21, Laws of 1973 1st ex. sess. and RCW 29.07.070; repealing section 29.07.090, chapter 9, Laws of 1965, section 11, chapter 202, Laws of 1971 ex. sess., section 5, chapter 21, Laws of 1973 1st ex. sess. and RCW 29.07.090; repealing section 29.07.100, chapter 9, Laws of 1965, section 13, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.100; repealing section 29.07.105, chapter 9, Laws of 1965, section 14, chapter 202, Laws of 1971 and RCW 29.07.105; repealing section 29.07.110, chapter 9, Laws of 1965, section 15, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.110; and repealing section 23, chapter 202, Laws of 1971 ex. sess. and RCW 29.07.115.

Referred to Committee on Constitution and Elections.

SENATE BILL NO. 2873, by Senators Day, von Reichbauer, Lewis (Harry), Matson, Walgren and Sellar:

An Act relating to medical injury compensation; adding a new chapter to Title 51 RCW; prescribing penalties; and providing an effective date.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2874, by Senator Peterson:
An Act relating to special proceedings; and adding a new chapter to Title 7 RCW.
Referred to Judiciary Committee.

SENATE BILL NO. 2875, by Senator Grant:
An Act relating to civil service for sheriffs; and amending section 8, chapter 1, Laws of 1959 and RCW 41.14.080.
Referred to Committee on Local Government.

SENATE BILL NO. 2876, by Senators Francis and Morrison:

An Act relating to business regulations of employment agencies; amending section 2, chapter 228, Laws of 1969 ex. sess. and RCW 19.31.020; amending section 4, chapter 228, Laws of 1969 ex. sess. and RCW 19.31.040; amending section 5, chapter 228, Laws of 1969 ex. sess. and RCW 19.31.050; amending section 6, chapter 228, Laws of 1969 ex. sess. and RCW 19.31.060; amending section 7, chapter 228, Laws of 1969 ex. sess. and RCW 19.31.070; amending section 9, chapter 228, Laws of 1969 ex. sess. and RCW 19.31.090; amending section 10, chapter 228, Laws of 1969 ex. sess. and RCW 19.31.100; amending section 11, chapter 228, Laws of 1969 ex. sess. and RCW 19.31.110; amending section 14, chapter 228, Laws of 1969 ex. sess. and RCW 19.31.140; amending section 17, chapter 228, Laws of 1969 ex. sess. and RCW 19.31.170; amending section 19, chapter 228, Laws of 1969 ex. sess. and RCW 19.31.190; amending section 20, chapter 228, Laws of 1969 ex. sess. and RCW 19.31.200; adding a new section to chapter 19.31 RCW; and declaring an emergency.

Referred to Judiciary Committee.

SENATE BILL NO. 2877, by Senator Scott:

An Act relating to the operation of massage businesses; adding a new chapter to Title 18 RCW; and prescribing penalties.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2878, by Senator Peterson:

An Act relating to fisheries.

Referred to Committee on Natural Resources.

SENATE BILL NO. 2879, by Senator Peterson:

An Act relating to forest practices.

Referred to Committee on Natural Resources.

SENATE BILL NO. 2880, by Senator Scott:

An Act relating to retail sales; adding new sections to chapter 19.52 RCW; and adding a new section to chapter 63.14 RCW.

Referred to Committee on Commerce.

SENATE BILL NO. 2881, by Senator Guess:

An Act relating to rights of the individual; authorizing the withdrawal of life sustaining mechanisms; adding a new chapter to Title 70 RCW; defining crimes; and prescribing penalties.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2882, by Senator Bottiger:

An Act relating to open public meetings; and amending section 11, chapter 250, Laws of 1971 ex. sess. as amended by section 2, chapter 66, Laws of 1973 and RCW 42.30.110.

Referred to Committee on Higher Education.

SENATE BILL NO. 2883, by Senator Goltz:

An Act relating to energy; adding a new chapter to Title 80 RCW; amending section 3, chapter 45, Laws of 1970 ex. sess. as amended by section 46, chapter 171, Laws of 1974 ex. sess. and RCW 80.50.030; repealing section 1, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.010; repealing section 2, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.020; repealing sections 4 through 16, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.040 through 80.50.160; repealing section 1, chapter 110, Laws of 1974 ex. sess. and RCW 80.50.170; repealing section 2, chapter 110, Laws of 1974 ex. sess. and RCW 80.50.175; repealing section 17, chapter 45, Laws of 1970 ex. sess. and RCW 80.50.900; repealing section 3, chapter 110, Laws of 1974 ex. sess. and RCW 80.50.901; prescribing penalties; and prescribing an effective date.

Referred to Committee on Ecology.

SENATE BILL NO. 2884, by Senators Fleming and Bluechel:

An Act relating to the financing of housing and the provision of financial assistance to persons of low income; and adding a new chapter to Title 43 RCW.

Referred to Committee on State Government.

SENATE BILL NO. 2885, by Senators Donohue, Newschwander and Sandison:

An Act relating to vocational education; creating new sections; and declaring an emergency.

Referred to Committee on Higher Education.

SENATE BILL NO. 2886, by Senator Donohue:

An Act relating to the support of state government; providing for the planning, acquisition, construction, remodeling, furnishing, and equipping of state buildings and facilities, together with all improvements and enhancements thereto; providing for the financing thereof by the issuance of bonds and anticipation notes; authorizing certain charges against state agencies; creating new sections; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2887, by Senator Donohue:

An Act relating to the support of state government; providing for the planning, acquisition, construction, remodeling, furnishing, and equipping of a permanent facility for the court of appeals; providing for the financing thereof by the issuance of bonds and anticipation notes; authorizing certain charges against state agencies; creating new sections; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2888, by Senator Mardesich:

An Act relating to the establishment, conduct, licensing and regulating of greyhound racing upon a parimutuel system; adding a new chapter to Title 67 RCW; and prescribing penalties.

Referred to Committee on State Government.

SENATE BILL NO. 2889, by Senators Van Hollebeke and Ridder:

An Act relating to the regulation of certain businesses.

Referred to Committee on Commerce.

SENATE BILL NO. 2890, by Senators Lewis (Harry) and Mardesich:

An Act relating to consolidation of civil service systems; 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 2, chapter 12, Laws of 1970 ex. sess. and RCW 41.06.080; amending section 11, chapter 1, Laws of 1961 and RCW 41.06.110; amending section 12, chapter 1, Laws of 1961 and RCW 41.06.120; amending section 13, chapter 1, Laws of 1961 and RCW 41.06.130; amending section 18, chapter 1, Laws of 1961 and RCW 41.06.180; 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. 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. 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. 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. and RCW 28B.16.100; repealing section 11, chapter 36, Laws

of 1969 ex. sess. 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. 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 1, chapter 12, Laws of 1970 ex. sess. and RCW 41.06.020; repealing section 4, chapter 1, Laws of 1961, section 22, chapter 36, Laws of 1969 ex. sess. and RCW 41.06.040; repealing section 1, chapter 11, Laws of 1972 ex. sess., section 1, chapter 133, Laws of 1973 1st ex. sess. and RCW 41.06.070; repealing section 20, chapter 1, Laws of 1961, section 25, chapter 36, Laws of 1969 ex. sess. and RCW 41.06.200; prescribing an effective date; and declaring an emergency.

Referred to Committee on State Government.

SENATE BILL NO. 2891, by Senators Lewis (Harry), Goltz and Mardesich:

An Act relating to the consolidation of personnel boards; amending section 1, chapter 12, Laws of 1970 ex. sess. and RCW 41.06.020; amending section 2, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.020; amending section 3, chapter 1, Laws of 1961 and RCW 41.06.030; amending section 4, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.040; amending section 18, chapter 1, Laws of 1961 and RCW 41.06.180; amending section 13, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.130; amending section 13, chapter 1, Laws of 1961 and RCW 41.06.130; amending section 10, chapter 36, Laws of 1969 ex. sess. as last amended by section 2, chapter 75, Laws of 1973 1st ex. sess. and RCW 28B.16.100; amending section 11, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.110; amending section 16, chapter 1, Laws of 1961 and RCW 41.06.160; amending section 12, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.120; amending section 17, chapter 1, Laws of 1961 and RCW 41.06.170; amending section 17, chapter 36, Laws of 1969 ex. sess. as amended by section 3, chapter 46, Laws of 1973 1st ex. sess. and RCW 28B.16.180; amending section 14, chapter 215, Laws of 1969 ex. sess. as amended by section 6, chapter 62, Laws of 1973 and RCW 28B.16.230; amending section 2, chapter 12, Laws of 1970 ex. sess. and RCW 41.06.080; adding new sections to chapter 36, Laws of 1969 ex. sess. and to chapter 28B.16-RCW; adding new sections to chapter 1, Laws of 1961 and to chapter 41.06 RCW; creating new sections; repealing section 9, chapter 1, Laws of 1961 and RCW 41.06.090; repealing section 11, chapter 1, Laws of 1961 and RCW 41.06.110; repealing section 12, chapter 1, Laws of 1961 and RCW 41.06.120; repealing section 6, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.060; repealing section 27, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.070; repealing section 26, chapter 36, Laws of 1969 ex. sess. and RCW 28B.16.170; prescribing an effective date; and declaring an emergency.

Referred to Committee on State Government.

SENATE JOINT RESOLUTION NO. 128, by Senators Donohue and Odegaard:

Amending the Constitution to authorize property tax relief for homeowners and renters.

Referred to Committee on Ways and Means.

SENATE JOINT RESOLUTION NO. 129, by Senator Mardesich:
Amending the State Constitution.
Referred to Committee on Constitution and Elections.

SENATE JOINT RESOLUTION NO. 130, by Senator North:
Relating to reapportionment and redistricting.
Referred to Committee on Constitution and Elections.

SENATE JOINT RESOLUTION NO. 131, by Senator Stortini:
Amending the State Constitution.
Referred to Committee on Constitution and Elections.

SENATE JOINT RESOLUTION NO. 132, by Senator Bailey:
Amending the Constitution to prohibit regular and excess property tax levies for school support and authorizing a state income tax for school support.
Referred to Committee on Ways and Means.

REQUEST FOR USE OF SENATE CHAMBER

Senator Rasmussen requested permission to use the Senate Chamber on Tuesday, February 25, 1975 beginning at 7:00 p.m. for purpose of public hearing by the Committee on State Government on various salary bills.

POINT OF INQUIRY

Senator Murray: "Will Senator Rasmussen yield to a question? I think there is a Senate Joint Memorial, the number of which I have forgotten, sponsored by myself and Senator Lewis and the majority leader that we would like to have included with that same group of bills on legislative salaries. Is that going to be included? It is the one that I am the prime sponsor on."

Senator Rasmussen: "I have no objection. Whatever the number of that SJR that we had out, it relates to the same general subject, I think."

There being no objection, the request by Senator Rasmussen was granted.

MOTION

At 12:18 p.m., on motion of Senator Mardesich, the Senate adjourned until 12:00 noon, Monday, February 24, 1975.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

FORTY-THIRD DAY

NOON SESSION

Senate Chamber, Olympia, Monday, February 24, 1975.

The Senate was called to order at 12:00 noon by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Fleming, Herr and Peterson. On motion of Senator Knoblauch, Senators Fleming, Herr and Peterson were excused.

The Color Guard, consisting of Pages Grace Bell and William Ridder, presented the Colors. Reverend Herbert B. McLellan, Priest in Residence of St. John's Episcopal Church of Olympia, offered the following prayer:

"WE PRAY, O LORD, FOR ALL THOSE IN OUR COMMUNITY, AND ESPECIALLY THE MEMBERS OF THIS SENATE BODY OF THE STATE OF WASHINGTON, WHO ARE RESPONSIBLE FOR OUR CIVIC WELFARE, HEALTH AND SECURITY. MAY YOUR HOLY SPIRIT GUIDE OUR COUNCILORS THAT THEY MAY HAVE A CARE ONLY FOR WHAT WILL PROMOTE GOOD GOVERNMENT AND TO ALL OTHERS IN POSITIONS OF RESPONSIBILITY GIVE SUCH A SENSE OF DUTY THAT NO SELF-INTEREST SHALL TURN THEM FROM IT. WE ALSO REMEMBER BEFORE YOU THOSE WHO ARE EMPLOYED IN OUR SERVICE IN DANGEROUS OR LOWLY WORK, FOR WE ARE ALL MEMBERS ONE OF ANOTHER AND ALL OUR LABOR IS HONORABLE IN YOUR SIGHT. HELP US, EACH ONE, TO DO WELL THE WORK WE HAVE TO DO, FOR THE GOOD OF ALL. WE ASK THIS THROUGH JESUS CHRIST OUR LORD. AMEN."

MOTION

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

REPORTS OF STANDING COMMITTEES

February 20, 1975.

SENATE BILL NO. 2031, authorizing the use and issue of approved equipment for law enforcement agencies (reported by Judiciary Committee):

MAJORITY recommendation: That the bill be referred to the Committee on Local Government.

Signed by: Senators Francis, Chairman; Buffington, Fleming, Jones, Marsh, Van Hollebeke.

Referred to Committee on Local Government.

February 21, 1975.

SENATE BILL NO. 2055, recovering attorney's fees in cases of illegal odometer replacement (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Buffington, Clarke, Fleming, Keefe, Marsh, Scott.

Passed to Committee on Rules for second reading.

February 21, 1975.

SENATE BILL NO. 2065, revising the definition of habitual traffic offender (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Francis, Chairman; Buffington, Clarke, Fleming, Scott, Van Hollebeke.

Passed to Committee on Rules for second reading.

February 21, 1975.

SENATE BILL NO. 2068, repealing bankruptcy discharge prohibition in motor vehicles financial responsibility requirements (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Buffington, Clarke, Fleming, Scott, Van Hollebeke.

Passed to Committee on Rules for second reading.

February 20, 1975.

SENATE BILL NO. 2137, making certain changes in the laws relating to vehicle tonnage fees (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: That Substitute Senate Bill No. 2137 be substituted therefor and the substitute bill do pass.

Signed by: Senators Walgren, Chairman; Henry, Vice Chairman; Beck, Guess, Jolly, Knoblauch, Sellar, Stortini, Wanamaker.

Passed to Committee on Rules for second reading.

February 24, 1975.

SENATE BILL NO. 2152, standardizing the marking of public motor vehicles (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Henry, Vice Chairman; Beck, Bluechel, Bottiger, Jolly, Knoblauch, Lewis (R. H. "Bob"); Morrison, Peterson, Sellar, Stortini, Wanamaker.

Passed to Committee on Rules for second reading.

February 21, 1975.

SENATE BILL NO. 2176, mandating certain school districts to divide into director districts and providing for election of directors thereunder (reported by Committee on Education):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Stortini, Chairman; Francis, Gould, McDermott.

Passed to Committee on Rules for second reading.

February 20, 1975.

SENATE BILL NO. 2221, enacting the Washington Correctional Ombudsman Act (reported by Judiciary Committee):

MAJORITY recommendation: That the bill be referred to the Committee on Social and Health Services.

Signed by: Senators Francis, Chairman; Buffington, Fleming, Jones, Marsh, Van Hollebeke.

Referred to Committee on Social and Health Services.

February 21, 1975.

SENATE BILL NO. 2222, providing for interrogations or oral testimony to aid in determination of unfair business practices (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Buffington, Fleming, Marsh, Scott, Van Hollebeke.

Passed to Committee on Rules for second reading.

February 21, 1975.

SENATE BILL NO. 2408, establishing the public employment relations commission (reported by Committee on Labor):

Recommendation: That Substitute Senate Bill No. 2408 be substituted therefor and the substitute bill do pass.

Signed by: Senators Ridder, Chairman; Bailey, Grant, Matson, Morrison, Sellar, von Reichbauer.

Passed to Committee on Rules for second reading.

February 24, 1975.

SENATE BILL NO. 2452, authorizing monthly license fees for operation of dump trucks (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass.

Signed by: Senators Walgren, Chairman; Henry Vice Chairman; Bluechel, Jolly, Knoblauch, Lewis (R. H. "Bob"), Morrison, Peterson, Sellar, Stortini, Wanamaker.

Passed to Committee on Rules for second reading.

February 21, 1975.

ENGROSSED HOUSE BILL NO. 1, authorizing irrigation districts to pay certain insurance premiums (reported by Committee on Agriculture):

Recommendation: Do pass.

Signed by: Senators Jolly, Chairman; Benitz, Day, Sellar, Wilson.

Passed to Committee on Rules for second reading.

February 21, 1975.

ENGROSSED HOUSE BILL NO. 18, changing certain laws relating to dentistry (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; von Reichbauer, Vice Chairman; Buffington, Goltz, McDermott, North, Pullen.

Passed to Committee on Rules for second reading.

February 21, 1975.

ENGROSSED HOUSE BILL NO. 131, requiring only that a school district make reasonable effort to maintain minimum term of school required by law in lieu of dissolution of such district (reported by Committee on Education):

MAJORITY recommendation: Do pass.

Signed by: Senators Stortini, Chairman; Francis, Gould, McDermott, Murray, Newschwander.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENTS

February 19, 1975.

PAUL E. SCHAAKE, to the position of member of the Central Washington State College Board of Trustees, appointed by the Governor on January 29, 1975 for the term ending March 1, 1977, succeeding Raymond Garcia (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Donohue, Goltz, Guess, Odegaard.

Passed to Committee on Rules.

February 21, 1975.

TED TANIGUCHI, to the position of member of the State Board of Pharmacy,

appointed by the Governor on January 19, 1975 for the term ending January 18, 1979, succeeding himself (reported by the Committee on Social and Health Services):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Day, Chairman; von Reichbauer, Vice Chairman; Buffington, Goltz, McDermott, North, Pullen.

Passed to Committee on Rules.

February 21, 1975.

JAMES B. MITCHELL, to the position of member of the State Board of Pharmacy, appointed by the Governor on January 19, 1975 for the term ending January 18, 1979, succeeding Sanford Thal (reported by the Committee on Social and Health Services):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Day, Chairman; von Reichbauer, Vice Chairman; Buffington, Goltz, McDermott, North, Pullen.

Passed to Committee on Rules.

MESSAGE FROM THE HOUSE

February 21, 1975.

Mr. President: The House has passed:

SUBSTITUTE HOUSE BILL NO. 126,

ENGROSSED HOUSE BILL NO. 141,

ENGROSSED HOUSE BILL NO. 144,

ENGROSSED HOUSE BILL NO. 304,

HOUSE JOINT MEMORIAL NO. 7, and the same are herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:

SENATE CONCURRENT RESOLUTION NO. 105.

INTRODUCTION AND FIRST READING

SUBSTITUTE HOUSE BILL NO. 126, by Judiciary Committee (originally sponsored by Representatives Hayner, May, Amen, Bond and Paris):

Making it unlawful to display indecent material.

Referred to Judiciary Committee.

ENGROSSED HOUSE BILL NO. 141, by Representatives Haussler, Hansen, Kilbury, Laughlin and Tilly:

Revising laws relating to theft of livestock and adding civil penalty.

Referred to Committee on Agriculture.

ENGROSSED HOUSE BILL NO. 144, by Representatives Smith (Rick), Knowles and Hendricks (by Department of Motor Vehicles request):

Requiring revocation of driver's license and privileges upon conviction for failure to render aid.

Referred to Judiciary Committee.

ENGROSSED HOUSE BILL NO. 304, by Representatives Ceccarelli and Pardini:

Prohibiting certain mortgage reserve accounts.

Referred to Committee on Financial Institutions.

HOUSE JOINT MEMORIAL NO. 7, by Representatives North, Fortson, Savage, McCormick, Martinis, Kalich, Ehlers, Williams, Becker, Kilbury, Hurley, Charnley, Randall, Hawkins, Boldt, Moreau, Erickson, Seeberger, McKibbin, Gaines, Sherman, Smith (Rick), Chatalas, Cochrane and Gallagher:

Requesting Congress continue hot lunch program for elderly.

Referred to Committee on Social and Health Services.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of Engrossed Senate Bill No. 2096 on third reading.

THIRD READING

ENGROSSED SENATE BILL NO. 2096, by Senators Lewis (Harry), Walgren, Donohue and McDermott:

Providing for study of administrative costs of school districts.

Debate ensued.

POINT OF INQUIRY

Senator Woody: "Would Senator Stortini yield? In view of the suggestion by Senator Gould, I would like to ask you, what was the committee's intent when it directed that the Superintendent of Public Instruction conduct the study? Did you intend that the elected official of the state of Washington, the Superintendent of Public Instruction, make this study, or did you intend that he would be permitted to subcontract that out to a personal service contract to some outfit in Los Angeles or someplace else to make this study?"

Senator Stortini: "Senator, it was the wish of the majority of the committee that the SPI office do this, that it should be a top priority, that if there is any time in the state when there needs to be developed more faith and confidence between the taxpayer out there and the school district itself, it is now; and as a result it should be a top priority of that office."

Further debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 2096.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2096, and the bill passed the Senate by the following vote: Yeas, 39; nays, 7; excused, 3.

Voting yea: Senators Bailey, Beck, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Francis, Goltz, Grant, Guess, Henry, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Morrison, Murray, North, Odegaard, Pullen, Rasmussen, Ridder, Sandison, Sellar, Stortini, Talley, Van Hollebeke, Walgren, Wanamaker, Washington, Wilson, Woody—39.

Voting nay: Senators Benitz, Bluechel, Gould, Matson, Newschwander, Scott, von Reichbauer—7.

Excused: Senators Fleming, Herr, Peterson—3.

ENGROSSED SENATE BILL NO. 2096, having received the 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 12:29 p.m., on motion of Senator Mardesich, the Senate recessed until 1:10 p.m.

AFTERNOON SESSION

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

At 1:15 p.m., the Senate members retired to the House Chamber to meet in Joint Session for the purpose of participating in Memorial Services.

JOINT SESSION

The Sergeant at Arms 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, Al Henry 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 bar of the House.

The Speaker called the Joint Session to order and turned the gavel over to the President of the Senate.

The Secretary of the Senate called the roll of the Senate and all members were present except Senators Fleming, Herr and Peterson, who were excused.

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

The President of the Senate: "Honored members of the Legislature, ladies and gentlemen: The purpose of this Joint Session is to conduct memorial services in memory of the departed former members of the Legislature. The President at this time would like to respectfully present the Honorable William Paris."

The President of the Senate turned the gavel over to Representative Paris.

The following memorial services were observed:

MEMORIAL PROGRAM

Presiding: President of the Senate John A. Cherberg.

INVOCATION

by

Reverend Erich H. Sigmar
Messiah Lutheran Church, Auburn

"Eternal God, Father of all Mankind, we are poignantly reminded today that while in the midst of life we are in death. In this hour of memorial and tribute we gather before Thy loving kindness to acknowledge our gratitudes for the great promises of the Lord of Life before the stark mystery of death. The incredible promise of the Lord of Life gives us hope, 'I am the resurrection and the life, he who believes in Me, though he die, yet shall he live; and whoever lives and believes in Me shall never die.' We are grateful today for the lives of these men and women in whose memory we gather — for their dedication to service, serving the people of their constituency in their day, in their way. Thou has called us, Heavenly Father, to service in this, our day. May we hold high the torch of honorable service, knowing that when we serve the needs of people we do Thy will. And so Heavenly Father, as we gather in memory and in tribute, deal with us yet lest we forget. Amen."

PACIFIC LUTHERAN UNIVERSITY CHORALE

Ed Harmic, Director

- "The Glory of the Father" Egil Hovland
- "I am the Resurrection and the Life" Heinrich Schutz
- "The Garment of Praise from Requiem" Randall Thompson

MEMORIAL TRIBUTE
by Representative William Paris

"We gather as one today in honor of those who have given of themselves in public service and have now stepped out of time into eternity. There is, quite naturally, grief, because of the physical separation; however, there is also assurance because of our intuitive faith and hope. We assemble today for a few fleeting moments, but the memories of our fellow servants will linger on for generations — their dedication, unselfish giving, often unknown to the masses, possibly to their families — it is respectfully acknowledged today. How true the immortal words of Jim Elliot, 'He is no fool who gives what he cannot keep to gain what he cannot lose.' May this provide not only comfort for the present, but hope for the future and pride in the inspirational memories that live on."

Flower tribute by Members of Senate and House

"How Great Thou Art" by Carl Boberg . . . Marilyn Hoyt, State Arts Commission
Accompanist, Donald Chan
Professor of Music, The Evergreen State College

Benediction Reverend Charles A. Loyer
Westminster Presbyterian Church, Olympia

"Taps" John Umlauf
The Evergreen State College

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-fourth 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:

- Arthur S. Cory
- Judson F. Faulknor
- Francis P. Goss
- Alfred J. Hanson
- Mrs. Douglas G. Kirk (Gladys)
- Keith J. (Spike) Spanton
- Willard (Duke) Taft
- Clyde V. Tisdale
- Louis E. Hofmeister
- Ralph L. Rickdall
- Lester T. Parker
- Harry L. Williams
- Henry L. Schumacher

Tribute by:

- Elmer Jastad
- Gary Grant
- Rod Chandler
- Nat W. Washington
- Kenneth O. Eikenberry
- Irving Newhouse
- A. J. Bud Pardini
- Robert C. Bailey
- Frances North
- Duane Berentson
- Robert L. Charette
- Sam Guess
- Dan Marsh

Representative Paris returned the gavel to the President of the Senate.

The President of the Senate: "Thank you, Reverend Paris, and our appreciation and gratitude to you, Reverend Loyer, Reverend Sigmar, Representative Phyllis Erickson and other members of the memorial committee. The President is sure that the loved ones of the dearly departed gained considerable solace and comfort from this very impressive ceremony. Representative Paris has moved that the Joint Session of the Legislature be dissolved; if there are no objections, it is so ordered."

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

The Speaker (Mr. O'Brien presiding): "Thank you very much, Governor Cherberg, we appreciate you coming here today and you have done an excellent job in presiding

over this fine memorial service. On behalf of the House of Representatives we extend to you our deep appreciation for your efforts here today.”

The Speaker (Mr. O'Brien presiding) instructed the Sergeants at Arms of the Senate and the House to escort the President of the Senate, President Pro Tempore of the Senate and the Senators to the Senate Chamber.

The President called the Senate to order at 2:00 p.m.

MOTION

At 2:05 p.m., on motion of Senator Mardesich, the Senate adjourned until 11:00 a.m., Tuesday, February 25, 1975.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

FORTY-FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, February 25, 1975.

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 Tanya Orlando and Tobey Fitch, presented the Colors. Reverend Herbert B. McLellan, Priest in Residence of St. John's Episcopal Church of Olympia, offered the following prayer:

“ALMIGHTY GOD, WHO HAS GIVEN US THIS GOOD LAND FOR OUR HERITAGE, WE HUMBLY BESEECH YOU THAT WE MAY ALWAYS PROVE OURSELVES A PEOPLE MINDFUL OF YOUR FAVOR AND GLAD TO DO YOUR WILL. BLESS OUR LAND, OUR STATE AND OUR SENATORS, WITH HONORABLE INDUSTRY, SOUND LEARNING, AND PURE MANNERS. SAVE US FROM VIOLENCE, DISCORD, AND CONFUSION; FROM PRIDE AND ARROGANCY, AND FROM EVERY EVIL WAY. DEFEND OUR LIBERTIES, AND FASHION INTO ONE UNITED PEOPLE THE MULTITUDES BROUGHT HERE OUT OF MANY KINDREDS AND TONGUES. EMBUE WITH THE SPIRIT OF WISDOM THOSE TO WHOM IN YOUR NAME WE ENTRUST THE AUTHORITY OF GOVERNMENT, THAT THERE MAY BE JUSTICE AND PEACE AT HOME AND THAT, THROUGH OBEDIENCE TO YOUR LAW, WE MAY SHOW FORTH YOUR PRAISE AMONG THE NATIONS OF THE EARTH. IN THE TIME OF PROSPERITY, FILL OUR HEARTS WITH THANKFULNESS, AND IN THE DAY OF TROUBLE, SUFFER NOT OUR TRUST IN YOU TO FAIL; ALL WHICH WE ASK THROUGH JESUS CHRIST OUR LORD. AMEN.”

MOTION

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

PRESIDENT'S PRIVILEGE

The President: "Honored members of the Senate, Lieutenant Hooper, Mrs. Hooper, Mr. O'Brien, ladies and gentlemen, we are honored to have with us today a true patriot, Lieutenant Joe R. Hooper, who is the army's most decorated veteran of the Viet Nam war; and the Honorable Robert O'Brien. Few people have responded so gallantly to the question, 'What can I do for my country?' Lieutenant Hooper has done it all. After graduation from high school this wonderful athlete joined the navy and served the nation as an aviation electrician for three years, mostly in the Far East. In 1959 Joe reenlisted in the army and became a specialist in guerilla warfare, serving in Korea, Japan, Hong Kong and Taiwan. This distinguished gentleman served with the 101st Airborne Division in Viet Nam during 1967 and 1968. He returned to Viet Nam during 1970 and 1971. In addition to many other individual and unit citations, Lieutenant Hooper has earned two Silver Stars, six Bronze Stars, eight Purple Hearts, and the Vietnamese Cross of Gallantry three times. Joe has been awarded the highest of all honors, the Medal of Honor. It is no surprise that Lieutenant Hooper earned this, the highest of all military honors, in assisting others to safety. Although seriously wounded himself, Lieutenant Hooper directed the evacuation of wounded and single-handedly stormed and destroyed three enemy bunkers in accomplishing his mission with utter disregard for his own safety. You have served your country in finest tradition, Lieutenant Hooper, and we would like to welcome you in the best tradition of the Washington State Senate."

APPOINTMENT OF SPECIAL COMMITTEE

The President: "Honored and esteemed members of the Senate, Ladies and Gentlemen, this morning is one of those rare occasions when we have the opportunity to meet a person whose life has been dedicated to help his fellow man. The President at this time should like to respectfully request of Senator Knoblauch, Senator Washington, Senator Wanamaker, Senator Cunningham, Senator Sandison, Senator Beck, Senator Matson, and Senator Guess that you please act as a committee of honor to escort the Honorable Lieutenant Joe R. Hooper and the Honorable John O'Brien to the rostrum."

PRESIDENT'S PRIVILEGE

The President: "And now, esteemed members of the Senate, the President at this time should like to present the Honorable Robert S. O'Brien, a dedicated public servant who has capably handled the important public affairs of Grant County and the state of Washington for the past twenty-four years. Bob served four consecutive terms as Grant County Treasurer and was the administering official on seven hundred and fifty million dollars worth of bonds for hydroelectric projects on the Columbia River. Of course, you are familiar with Mr. O'Brien's wonderful record as State Treasurer. In addition to the many honors that Bob has received, his many talents have been recognized throughout the nation and we are fortunate to have Bob as part of Washington state's government. In addition, I should point out that among Bob's other duties, he is entrusted with the administration of the Viet Nam Veterans Bouns Act. It is a true honor to introduce the Honorable Robert S. O'Brien, our respected and esteemed treasurer, Mr. O'Brien."

REMARKS BY ROBERT S. O'BRIEN

Mr. O'Brien: "Governor Cherberg, members of the Senate, guests, and certainly most of all Joe Hooper; as State Treasurer and administrator of the Viet Nam Veterans

Bonus Program, I wish to take this opportunity to commend the members of the Washington State Senate for taking time from their extremely busy schedule to honor one of our most outstanding citizens and as you have just heard, I do not know how you could ever equal the list of medals that Joe Hooper, the most highly decorated veteran of the Viet Nam conflict — and, Senator Washington, he comes from our county, Grant County, Moses Lake. I am deeply honored to present on behalf of the people of the state of Washington this token of appreciation which has been voted by our legislature. And in this envelope, Joe, and I wish you would stand here, it is certainly a small enough token of the esteem of the people of this state, but it is your bonus check that the people want you to have, and thank you so much.”

REMARKS BY LIEUTENANT HOOPER

Lieutenant Hooper: “Governor Cherberg, Honorable Treasurer, the Senate and guests, since receiving the Medal of Honor in 1969 I have been honored many, many times by many states and many countries, but I consider this the greatest honor because finally I have come home, and I am here to stay. Washington is going to be my home and no more traveling around the world. Seventeen years, and I have stayed in fifty-four foreign countries, out of the United States for a total of seventeen and one-half years. So it is good to be home. I would like to pass on a belated thank you for some of the members out there who took care of my folks and my guests when I was notified of the award ceremony back in Washington, D.C. I was out of the country and some Senators and Representatives went over. They rounded up my family and my brothers and sisters, thirty-five all together, and they got them back to Washington, D.C. to meet me and I know that was a big, big job. It is quite an honor to receive this award from the state. However, Mr. O'Brien will be happy to know that because of my bad smoking habit it will be right back into the coffers shortly. Once again I want to thank you, and thank you for welcoming me here, and God bless you.”

PERSONAL PRIVILEGE

Senator Beck: “Mr. President and ladies and gentlemen of the Senate, you have just met this morning the recipient of one of the nation's highest honors, the Congressional Medal of Honor. If I could have a point of personal privilege here, I would like to make just a few short comments about the Medal of Honor. You know, it was the late Don Billings, the great military hero, who once said that the greatest gift that God gave us as a nation is the liberty which we enjoy. These rights will only be enjoyed so long as each and every one of us are willing to fight and protect these rights. The first and oldest medal which the United States Government gives to our military heroes is the Military Order of the Purple Heart. It was first awarded by George Washington in 1782 to those military people who had suffered injuries during actual combat in time of war with the enemy.

“Not quite as old but much more meaningful is this Congressional Medal of Honor which you see hanging around Lieutenant Hooper's neck. This was first awarded and came into being on December 21, 1861, when President Lincoln affixed his signature to a bill offered by Senator Grimm in the United States Senate. Senator Grimm was from the state of Iowa. It is awarded usually by the Congress itself or the President in the name of the Congress to those selected by the Department of Defense who, while in combat, have performed acts of valor and deeds of personal bravery or self-sacrifice above and beyond the call of duty.

“The Bronze Star which you see dangling from his neck there, hanging by an anchor for those who received it in the Navy, and from the talons of an eagle for those from the Army, and from a shield for those in the Air Force, is held together with a ribbon of blue silk with stars. It is surrounded by enamel, a green enamel wreath. It is wreathed in enamel there.

"These heroes decorated by the Medal of Honor, many of them posthumously, have done far more than their share. It is only fitting that our generation perpetuate the heritage which that medal you see on his neck there stands for. Joe, on behalf of those of us of the military who know what the Medal of Honor is, congratulations. We certainly owe you a debt of gratitude for the services which you have rendered to your country. Thank you so much on behalf of the people and the veterans who know what that means."

Lieutenant Hooper was presented a Life Membership in Amvets by Mr. Hoyer, a member of that organization.

The honored guest was escorted from the Senate Chamber and the committee was discharged.

REPORTS OF STANDING COMMITTEES

February 25, 1975.

SENATE BILL NO. 2117, providing for the execution of conveyances by the director of the department of highways (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass.

Signed by: Senators Walgren, Chairman; Henry, Vice Chairman; Beck, Bluechel, Bottiger, Guess, Jolly, Knoblauch, Morrison.

Passed to Committee on Rules for second reading.

February 25, 1975.

SENATE BILL NO. 2241, authorizing resumption of payments to a widow of a workman after remarriage has terminated (reported by Committee on Labor):

MAJORITY recommendation: That Substitute Senate Bill No. 2241 be substituted therefor and the substitute bill do pass.

Signed by: Senators Ridder, Chairman; Bailey, Grant, Matson, Morrison, von Reichbauer.

Passed to Committee on Rules for second reading.

February 24, 1975.

SENATE BILL NO. 2423, prescribing changes in requirements for manufacture, sale, dispensing and possession of alcoholic beverages (reported by Committee on State Government):

Recommendation: That Substitute Senate Bill No. 2423 be substituted therefor and the substitute bill do pass.

Signed by: Senators Rasmussen, Chairman; Buffington, Cunningham, Day, Henry, Knoblauch, Wanamaker.

Passed to Committee on Rules for second reading.

February 24, 1975.

SENATE BILL NO. 2477, making changes in nonduty disability payments under PERS (reported by Committee on State Government):

Recommendation: Do pass as amended.

Signed by: Senators Rasmussen, Chairman; Buffington, Cunningham, Day, Henry, Knoblauch, Wanamaker.

Passed to Committee on Rules for second reading.

February 24, 1975.

SENATE BILL NO. 2478, giving PERS members an option when death of spouse occurs (reported by Committee on State Government):

Recommendation: That Senate Bill No. 2478 do pass and be referred to the Committee on Ways and Means.

Signed by: Senators Rasmussen, Chairman; Buffington, Cunningham, Day, Henry, Knoblauch, Wanamaker.

Referred to Committee on Ways and Means.

GUBERNATORIAL APPOINTMENTS

February 25, 1975.

EUSTACE VYNNE, to the position of member of the State Parks and Recreation Commission, appointed by the Governor on January 31, 1975 for the term ending December 31, 1980, succeeding James G. McCurdy (reported by the Committee on Parks and Recreation):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Knoblauch, Chairman; Gould, Odegaard, Wanamaker.

Passed to Committee on Rules.

February 25, 1975.

BEN HAYES, to the position of member of the State Parks and Recreation Commission, appointed by the Governor on January 31, 1975 for the term ending December 31, 1976, succeeding James Whittaker (reported by the Committee on Parks and Recreation):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Knoblauch, Chairman; Gould, Odegaard, Wanamaker.

Passed to Committee on Rules.

February 25, 1975.

JEFF DOMASKIN, to the position of member of the State Parks and Recreation Commission, appointed by the Governor on January 31, 1975 for the term ending December 31, 1980, succeeding himself (reported by the Committee on Parks and Recreation):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Knoblauch, Chairman; Gould, Odegaard, Wanamaker.

Passed to Committee on Rules.

MESSAGE FROM THE HOUSE

February 24, 1975.

Mr. President: The House has passed REENGROSSED HOUSE BILL NO. 285, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

INTRODUCTION AND FIRST READING

REENGROSSED HOUSE BILL NO. 285, by Representatives King, Jueling, Conner, Adams, Luders, Laughlin, Savage, Chandler, Blair, Chatalas, Haley, Charnley and Hanna:

Providing for the designation of certain specified fire and police department positions as public employees.

Referred to Committee on Labor.

APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence in the Senate Chamber of Janet Hudkins, Washington State Wheat Queen and appointed Senators Wilson, Jolly, Sellar and Benitz as a committee of honor to escort Queen Janet to the Senate rostrum.

With permission of the Senate, business was suspended to permit Senator Wilson to introduce the honored guest and Queen Janet addressed the Senate.

The committee of honor escorted the guest from the Senate Chamber and the committee was discharged.

THIRD READING

HOUSE BILL NO. 100, by Representatives Luders, Newhouse, Charette, Pardini, Martinis, Kilbury, Berentson, Ceccarelli, Hansey, Laughlin, Wilson and Matthews:
Providing for bond financing of pollution control and industrial development.

MOTION

Senator Washington moved that House Bill No. 100 be referred to the Senate Judiciary Committee with instructions to determine the issues in the pending Supreme Court case of *Port of Tacoma* and others vs. *The Taxpayers of the Port of Tacoma* and others, general study the legal aspects of House Bill No. 100 and report the bill back in seven days.

Debate ensued.

PERSONAL PRIVILEGE

Senator Talley: "He is arguing the merits and demerits of the bill and he made a motion to rerefer. I think he is going far beyond what he needs to do."

REMARKS BY THE PRESIDENT

The President: "Senator Talley, the motion by Senator Washington to refer the bill also included 'with instructions.' Therefore, that opens up the merits of the bill."

Further debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Mr. President and members of the Senate, will Senator Lewis yield to a question? Senator Lewis, is this the case that you were referring to where there was a unanimous opinion of the Supreme Court against the issuance of these bonds?"

Senator Lewis (Harry): "I do not know, Senator Rasmussen. I think so. I think the answer is yes, but I am not sure."

Senator Rasmussen: "And would this also relate to the constitutional amendment that was voted down overwhelmingly by the people?"

Senator Lewis (Harry): "No, I don't believe so. I am not sure I know what you are talking about."

Senator Rasmussen: "The industrial bonds was on a constitutional amendment, was on the ballot, was voted down by the people."

Senator Lewis (Harry): "No, I think that is an entirely different issue, Senator."

Senator Rasmussen: "Thank you, Senator Lewis."

Further debate ensued.

The President declared the question before the Senate to be the motion by Senator Washington that House Bill No. 100 be referred to the Senate Judiciary Committee with specific instructions.

Senator Lewis (R. H. "Bob") demanded a roll call, and the demand was sustained by Senators Lewis (Harry), Francis, Sandison, Matson, Morrison, von Reichbauer, Jolly, Grant and Ridder.

ROLL CALL

The Secretary called the roll and the motion by Senator Washington failed by the following vote: Yeas, 19; nays, 30.

Voting yea: Senators Bottiger, Donohue, Fleming, Francis, Goltz, Grant, Jolly, Marsh, McDermott, Odegaard, Pullen, Rasmussen, Ridder, Sandison, Van Hollebeke, von Reichbauer, Washington, Wilson, Woody—19.

Voting nay: Senators Bailey, Beck, Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Gould, Guess, Henry, Herr, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Matson, Morrison, Murray, Newschwander, North, Peterson, Scott, Sellar, Stortini, Talley, Walgren, Wanamaker—30.

MOTION

On motion of Senator Mardesich, the rules were suspended and House Bill No. 100 was returned to second reading for purpose of amendment.

MOTION

Senator Washington moved that the following amendment on the Secretary's desk be withdrawn:

On page 4, following section 7, add two new sections as follows:

"NEW SECTION. Sec. 8. There is added to chapter 132, Laws of 1973 and to chapter 70.95A RCW a new section to read as follows:

The department of ecology shall determine that any item of property forming part of an industrial, commercial, manufacturing, electric generating or other building or group of buildings which is used partly for pollution control purposes and partly for other purposes is a pollution control facility to the extent that such item of property is attributable to pollution control purposes and not to other purposes; in making such determination the department shall consider the incremental cost of such item of property attributable solely to pollution control purposes and such other factors as the department may deem relevant. This section shall not be construed as modifying the provisions of RCW 82.34.030; chapter 70.94 RCW; or chapter 90.84 RCW.

NEW SECTION. Sec. 9. Section 11, chapter 132, Laws of 1973 and RCW 70.95A.100 are each hereby repealed."

Renumber the remaining sections consecutively.

Debate ensued.

MOTION

On motion of Senator Washington, consideration of the amendment to page 4, following section 7 adding two new sections, will be considered later today or on Wednesday, February 26, 1975.

Senator Lewis (Harry) moved adoption of the following amendment:

On page 3, line 29, after "state." add a new subsection as follows:

"(5) *The proceeds from any bonds issued under this chapter shall be used only for purposes qualifying under section 103 (c)(4)(f) of the Internal Revenue Code of 1954, as amended.*"

Debate ensued.

POINT OF INQUIRY

Senator Woody: "Would Senator Marsh yield? You read just the portion of it there without the preliminary language and deleting the interim language, could you put it together and read it to us?"

Senator Marsh: "Yes, the preceding language read that paragraph 1 of the subsection was 'except as otherwise provided in this subsection any industrial bonds shall be treated as an obligation not described in Section A (1) above.' And then dropping down, 'This paragraph 1 shall not apply to any obligation which was issued as part of an issue substantially all of the proceeds of which are to be used to provide. . . .' and then it went on, subsection (e) was 'sewerage or solid waste disposal facilities or facilities for local furnishing of electric energy, gas or water;' and then (f) was 'or air or water pollution control facilities.'"

MOTION

On motion of Senator Mardesich, House Bill No. 100 was made a special order of business for 11:30 a.m., Wednesday, February 26, 1975.

MOTION

At 12:49 p.m., on motion of Senator Mardesich, the Senate adjourned until 11:00 a.m., Wednesday, February 26, 1975.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

FORTY-FIFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, February 26, 1975.

The Senate was called to order at 11:00 a.m. by President Pro Tempore Henry. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Bottiger and Clarke. On motion of Senator Knoblauch, Senator Bottiger was excused. On motion of Senator Lewis (R. H. "Bob"), Senator Clarke was excused.

The Color Guard, consisting of Pages Wendy Luther and Jamie Lewis, presented the Colors. Reverend Herbert B. McLellan, Priest in Residence of St. John's Episcopal Church of Olympia, offered the following prayer:

"O LORD GOD ALMIGHTY, GUIDE, WE PRAY YOU, THIS SENATE BODY TO WHOM YOU HAVE COMMITTED THE GOVERNMENT OF THIS STATE, AND GRANT TO THEM AT THIS TIME SPECIAL GIFTS OF WISDOM AND UNDERSTANDING, OF COUNSEL AND STRENGTH; THAT UP-HOLDING WHAT IS RIGHT, AND FOLLOWING WHAT IS TRUE, THEY MAY OBEY YOUR HOLY WILL AND FULFILL YOUR DIVINE PURPOSE; PURIFY

THEIR HEARTS TO SEE AND LOVE THE TRUTH. GIVE WISDOM TO OUR SENATORS AND STEADFASTNESS TO OUR PEOPLE AND BRING US AT LAST TO THAT FAIR CITY OF PEACE WHOSE FOUNDATIONS ARE MERCY, JUSTICE AND GOOD WILL WHOSE BUILDER AND MAKER THOU ART. THROUGH THY SON, JESUS CHRIST OUR LORD. AMEN."

MOTION

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

REPORTS OF STANDING COMMITTEES

February 25, 1975.

SENATE BILL NO. 2059, involving the hospital commission in comprehensive health planning (reported by Committee on Social and Health Services):

MAJORITY recommendation: That Substitute Senate Bill No. 2059 be substituted therefor and the substitute bill do pass.

Signed by: Senators Day, Chairman; Buffington, Cunningham, Francis, Goltz, Gould, Herr, McDermott.

Passed to Committee on Rules for second reading.

February 25, 1975.

SENATE BILL NO. 2265, revising regulations of alien banks (reported by Committee on Financial Institutions):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Woody, Chairman; Bluechel, Jones, Walgren.

Passed to Committee on Rules for second reading.

February 25, 1975.

SENATE BILL NO. 2391, providing for apprenticeship training facilities for certain community colleges and the financing thereof (reported by Committee on Higher Education):

MAJORITY recommendation: That Substitute Senate Bill No. 2391 be substituted therefor and the substitute bill do pass and be referred to the Committee on Ways and Means.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Guess, Odegaard.

Referred to Committee on Ways and Means.

February 25, 1975.

SENATE BILL NO. 2442, authorizing state colleges to offer degrees through master's degree subject to review and recommendations of council on higher education (reported by Committee on Higher Education):

MAJORITY recommendation: That Substitute Senate Bill No. 2442 be substituted therefor and the substitute bill do pass.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Guess, Odegaard.

Passed to Committee on Rules for second reading.

February 21, 1975.

SENATE BILL NO. 2461, revising law on withdrawal of public ground water (reported by Committee on Ecology):

Recommendation: Do pass as amended.

Signed by: Senators Washington, Chairman; Donohue, Goltz, Guess, Murray, North, Sandison.

Passed to Committee on Rules for second reading.

February 25, 1975.

SENATE BILL NO. 2507, designating office of program planning and fiscal management as recipient of certificate of annexation (reported by Committee on Local Government):

MAJORITY recommendation: That Substitute Bill No. 2507 be substituted therefor and the substitute bill do pass.

Signed by: Senators Fleming, Chairman; Jolly, McDermott, North, Sellar, Walgren, Wilson.

Passed to Committee on Rules for second reading.

February 25, 1975.

SENATE BILL NO. 2609, limiting the number of copies of Washington state statutes that a county must keep on file (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Fleming, Chairman; Jolly, McDermott, North, Sellar, Talley, Wilson.

Passed to Committee on Rules for second reading.

February 25, 1975.

SENATE BILL NO. 2619, providing a statewide medical education system for family practice training (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended and the bill be referred to the Committee on Ways and Means.

Signed by: Senators Day, Chairman; von Reichbauer, Vice Chairman; Buffington, Cunningham, Goltz, Gould, Herr, McDermott, North, Pullen.

Referred to Committee on Ways and Means.

February 25, 1975.

SENATE BILL NO. 2650, ratifying county budget actions (reported by Committee on Local Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Fleming, Chairman; Jolly, McDermott, North, Sellar, Talley, Walgren, Wilson.

Passed to Committee on Rules for second reading.

February 26, 1975.

SUBSTITUTE HOUSE BILL NO. 132, extending the use of personalized license plates to vehicles other than cars (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Peterson, Chairman; Beck, Lewis (Harry), Pullen, Rasmussen, Sandison, Talley.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE HOUSE

February 25, 1975.

Mr. President: The Speaker has signed SENATE CONCURRENT RESOLUTION NO. 105, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

February 25, 1975.

Mr. President: The House has passed:

HOUSE BILL NO. 119,
 ENGROSSED HOUSE BILL NO. 156,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 184,
 ENGROSSED HOUSE BILL NO. 279,
 ENGROSSED HOUSE BILL NO. 295,
 HOUSE BILL NO. 314, and the same are herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

INTRODUCTION AND FIRST READING

HOUSE BILL NO. 119, by Representatives Gallagher, Jastad, Leckenby and Laughlin (by Department of Motor Vehicles request):

Exempting dealer or manufacturer campers from licensing requirements under stated conditions.

Referred to Committee on Transportation and Utilities.

ENGROSSED HOUSE BILL NO. 156, by Representatives Laughlin, Zimmerman, Bauer, Martinis, Thompson, McKibbin, O'Brien, Newhouse, Kilbury, Luders, Hansen and Boldt:

Authorizing a compact among Washington, Oregon and Idaho relating to fish in the waters of the Columbia and Snake rivers.

Referred to Committee on Natural Resources.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 184, by Committee on Higher Education (originally sponsored by Representatives Maxie, Perry, Moreau, Patterson, Peterson, Bond, Savage, Wojahn, Charnley, Nelson, Erickson, Fischer, Laughlin and Matthews):

Allowing higher education fee exemptions for residents fifty-five years of age or over at discretion of individual boards of trustees and regents.

Referred to Committee on Higher Education.

ENGROSSED HOUSE BILL NO. 279, by Representatives Chatalas, Curtis, Parker, Eng, Hanna and Maxie (by Department of Social and Health Services request):

Providing for support of adoption of hard to place children.

Referred to Committee on Social and Health Services.

ENGROSSED HOUSE BILL NO. 295, by Representatives Ceccarelli, Pardini, Fischer and McCormick:

Providing for, and regulation of, bank conservators.

Referred to Committee on Financial Institutions.

HOUSE BILL NO. 314, by Representatives Sommers, O'Brien and Leckenby (by State Treasurer request):

Providing for the transfer of funds from the abolishment of the world fair bond redemption fund.

Referred to Committee on State Government.

SECOND READING

SUBSTITUTE SENATE BILL NO. 2259, by Committee on Labor (originally sponsored by Senators Marsh, Woody, Jones, Rasmussen and Stortini):

Providing for liens to enforce payment of employers' contributions to employee benefit plans.

The Senate resumed consideration of Substitute Senate Bill No. 2259 and the following amendment moved for adoption on February 21, 1975 by Senator Day:

On page 2, line 18, after "fund" strike "[prior to all other liens except taxes]" and insert "prior to all other liens except taxes".

The motion by Senator Day carried and the amendment was adopted.

On motion of Senator Marsh, the rules were suspended, Engrossed Substitute Senate Bill No. 2259 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. 2259, and the bill passed the Senate by the following vote: Yeas, 43; nays, 4; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Buffington, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Morrison, Murray, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—43.

Voting nay: Senators Bluechel, Matson, Newschwander, North—4.

Excused: Senators Bottiger, Clarke—2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2259, having received the 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. 2331, by Senators Washington, Murray and North:

Granting certain powers to a metropolitan municipal corporation authorized to perform water pollution abatement.

The bill was read the second time by sections.

On motion of Senator North, the rules were suspended, Senate Bill No. 2331 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. 2331, and the bill passed the Senate by the following vote: Yeas, 44; nays, 3; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Buffington, Cunningham, Day, Donohue, Francis, Goltz, Gould, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—44.

Voting nay: Senators Fleming, Grant, McDermott—3.

Excused: Senators Bottiger, Clarke—2.

SENATE BILL NO. 2331, having received the 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. 2205, by Senators Walgren, Bottiger and Lewis (R. H. "Bob"):

Permitting service of traffic citations for offenses not witnessed by citing officer.

REPORT OF STANDING COMMITTEE

February 14, 1975.

SENATE BILL NO. 2205, permitting service of traffic citations for offenses not witnessed by citing officer (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, line 29, after "liquor" and before "in" insert "or drugs".

On page 2, after Section 3 add a new section to read as follows:

"*NEW SECTION.* Sec. 4. 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 6 of the title, after "RCW" insert "; and declaring an emergency".

Signed by: Senators Francis, Chairman; Buffington, Clarke, Fleming, Jones, Marsh, Scott, Van Hollebeke, Woody.

The bill was read the second time by sections.

On motion of Senator Walgren, the committee amendment to page 2, line 29 was adopted.

Senator Walgren moved adoption of the committee amendment to page 2 adding a new section.

Debate ensued.

POINT OF INQUIRY

Senator Newschwander: "My only question is, how did we survive the last twenty years without this law?"

Senator Francis: "Senator Newschwander, for the last twenty years it has been a crime to be drunk in public. We have been able to make those arrests. It has only been since January 1, 1975 that we have been without a law in that area because of Senator Day's law that decriminalized the drunkenness."

Senator Newschwander: "The only thing that bothers me is that we used to use the emergency clause on the budget because that was an emergency, and now as we proceed with these longer and longer sessions every bill is getting to have an emergency clause to get around the continuous session. I want to go home some day so I object to these emergency clauses in every bill that goes through."

The motion by Senator Walgren carried and the committee amendment to page 2 adding a new section was adopted.

On motion of Senator Francis, the committee amendment to the title was adopted.

On motion of Senator Walgren, the rules were suspended, Engrossed Senate Bill No. 2205 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. 2205, and the bill passed the Senate by the following vote: Yeas, 46; nays, 2; excused, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegard, Peterson, Pullen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—46.

Voting nay: Senators Grant, Rasmussen—2.

Excused: Senator Clarke—1.

ENGROSSED SENATE BILL NO. 2205, having received the 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
SECOND READING

HOUSE BILL NO. 100, by Representatives Luders, Newhouse, Charette, Pardini, Martinis, Kilbury, Berentson, Ceccarelli, Hansey, Laughlin, Wilson and Matthews:

Providing for bond financing of pollution control and industrial development.

The time having arrived, the Senate resumed consideration of House Bill No. 100, and the following amendment moved for adoption by Senator Lewis (Harry) on February 25, 1975:

On page 3, line 29, after "state." add a new subsection as follows:

"(5) The proceeds from any bonds issued under this chapter shall be used only for purposes qualifying under Section 103(c)(4)(f) of the Internal Revenue Code of 1954, as amended."

Debate ensued.

The motion by Senator Lewis (Harry) carried and the amendment was adopted.

Senator Washington moved adoption of the following amendment:

On page 2, section 1, beginning on line 10, strike all the matter down to and including the period on line 11 and insert "[This chapter shall be liberally construed to accomplish the intentions expressed in this section.]"

Debate ensued.

POINT OF INQUIRY

Senator Day: "Will Senator Washington yield? Senator Washington, actually, as I read this amendment that mandates that the chapter shall be liberally construed, if we wipe that out of there, isn't it true that they can still liberally construe it if they wish to?"

Senator Washington: "Yes, they could, but if they got it into court they would not have any statutory backing up for their liberal construction. In other words, the use of liberal construction along with the broad term 'in furtherance of' again is part of what is allowing, for instance, what happened at the Weyerhaeuser plant in Longview where you are able to not only get paid for actual pollution control equipment but the underlying boiler which was necessary in any case to operate the plant. And as they pointed out, liberally construed 'in furtherance of' just opens it up wide to where they do not have any basis on which to turn anything down."

On motion of Senator Talley, the amendment by Senator Washington was laid upon the table on a rising vote.

Senator Washington moved adoption of the following amendment:

On page 2, following section 1, beginning on line 11, add a section as follows:

"Sec. 2. Section 3, chapter 132, Laws of 1973 and RCW 70.95A.020 are each amended to read as follows:

As used in this chapter, unless the context otherwise requires:

- (1) "Municipality" shall mean any city, town, county, or port district in the state;
- (2) ["Facility" or "facilities" shall mean any land, building, structure, machinery, system, fixture, appurtenance, equipment or any combination thereof, or any interest therein, and all real and personal properties deemed necessary in connection therewith whether or not now in existence, which is used or to be used by any person, corporation or municipality in furtherance of the purpose of abating, controlling or preventing pollution;
- (3) "Pollution" shall mean any form of environmental pollution, including but not limited to water pollution, air pollution, land pollution, solid waste disposal, thermal pollution, radiation contamination, or noise pollution] *"Pollution control facilities" or "facilities" means any land, building or other improvement, appurtenance, fixture, item of machinery or equipment, and all other real and personal property, whether or not in existence or under construction at the time the bonds are issued, which are to be used for the purpose of abating, controlling or preventing, altering, disposing or storing of solid waste, thermal, atmospheric or water pollutants, contaminants, or products therefrom. Any such property or portion thereof which is used partly for pollution control purposes and partly for other purposes is a pollution control facility only to the extent*

that such item of property or portion thereof is attributable to pollution control purposes and not to other purposes;

[(4)] (3) "Governing body" shall mean the body or bodies in which the legislative powers of the municipality are vested;

[(5)] (4) "Mortgage" shall mean a mortgage or a mortgage and deed of trust or other security device; and

[(6)] (5) "Department" shall mean the state department of ecology."

Renumber the remaining sections consecutively.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Would Senator Lewis yield to a question? Senator Lewis, I like that statement you made that Senator Washington is putting an extra diaper on. Do you know what they put an extra diaper on some babies for?"

Senator Lewis (Harry): "I do not feel qualified to answer that question."

Senator Rasmussen: "I was going to tell Senator Lewis and I hoped he would tell me that what they put that extra diaper on the baby for is to prevent leakage, and that is just exactly what Senator Washington is proposing his amendment for, to prevent a leakage of about six and one-half million dollars. I know that Senator Lewis is aware of the companies that are going to benefit by this leakage. And your diaper statement was very correct. It is needed and I would support Senator Washington. I think that you are all agreed on the purpose. Senator Washington has made it very clear that it is needed and we should support the Chairman of the Ecology Committee who has worked long and faithfully on this job and admits he made a mistake in ever letting the bill out of his committee without the proper diapers on it. So let us support Senator Washington in this amendment. It will be a good bill that we can all vote for."

Further debate ensued.

Senator Talley moved that the amendment by Senator Washington be laid upon the table.

PARLIAMENTARY INQUIRY

Senator Washington: "Does the maker of the motion have the right to answer some questions and close debate?"

REPLY BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "No."

On motion of Senator Washington, the rules were suspended and Senator Washington was permitted to answer remarks made during previous debate.

POINT OF INQUIRY

Senator Francis: "Will Senator Lewis yield to a question? Senator Lewis, looking at your amendment which I have to consider as a possible alternative to this one in deciding whether or not I am going to vote on this one or which way I am going to vote on this one, it refers to a section of the Internal Revenue Code of 1954 as amended. Is it your intention that our law, if we adopt your amendment, incorporate future amendments to the Internal Revenue Code or are you just using that as a reference to the Internal Revenue Code as it now stands?"

Senator Lewis (Harry): "It was my intent in looking at the code, Senator Francis, Section 103(c)(4)(f) fits exactly the purpose that I felt the Senate was trying to accomplish. The further definition as I placed on your desk, Senator Francis, this sheet of paper here."

Senator Francis: "I have that."

Senator Lewis (Harry): "I think it achieves the purpose that we are trying to accomplish and I looked at it singularly in that fashion."

Senator Francis: "The question I asked is, are you trying to incorporate future amendments?"

Senator Lewis (Harry): "No, I am not."

Senator Francis: "Okay. Just as it is now."

Senator Lewis (Harry): "I am trying to define it as it is described now."

Senator Washington demanded a roll call and the demand was sustained by Senators Ridder, Woody, Rasmussen, Herr, McDermott, Grant, Peterson, Knoblauch and Walgren.

ROLL CALL

The Secretary called the roll and the amendment by Senator Washington to page 2, line 22 adding a new section failed by the following vote: Yeas, 17; nays, 30; absent or not voting, 1, excused, 1.

Voting yea: Senators Donohue, Fleming, Francis, Goltz, Grant, Jolly, Mardesich, Marsh, McDermott, Odegaard, Rasmussen, Ridder, Sandison, von Reichbauer, Washington, Wilson, Woody—17.

Voting nay: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Cunningham, Gould, Guess, Henry, Herr, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Matson, Morrison, Murray, Newschwander, North, Peterson, Pullen, Scott, Sellar, Stortini, Talley, Van Hollebeke, Walgren, Wanamaker—30.

Absent or not voting: Senator Day—1.

Excused: Senator Clarke—1.

Senator Washington moved adoption of the following amendment:

On page 4, beginning on line 17, insert the following:

"*NEW SECTION.* Sec. There is added to chapter 132, Laws of 1973 and to chapter 70.95A RCW a new section to read as follows:

The department of ecology shall determine that any item of property forming part of an industrial, commercial, manufacturing, electric generating or other building or group of buildings which is used partly for pollution control purposes and partly for other purposes is a pollution control facility to the extent that such item of property is to be used for pollution control purposes and not for other purposes; in making such determination the department shall consider the incremental cost of such item of property attributable solely to pollution control purposes. This section shall not be construed as modifying the provisions of RCW 82.34.030; chapter 70.94 RCW; or chapter 90.48 RCW.

NEW SECTION. Sec. There is added to chapter 54, Laws of 1972 ex. sess. and to chapter 53.08 RCW a new section to read as follows:

The department of ecology shall determine that any item of property forming part of an industrial, commercial, manufacturing, electric generating or other building or group of buildings which is used partly for pollution control purposes and partly for other purposes is a pollution control facility to the extent that such item of property is attributable to pollution control purposes and not to other purposes; in making such determination the department shall consider the incremental cost of such item of property attributable solely to pollution control purposes.

NEW SECTION. Sec. Section 11, chapter 132, Laws of 1973 and RCW 70.95A.100 are each hereby repealed."

Renumber the remaining sections consecutively.

On motion of Senator Washington, the following amendment to the amendment was adopted:

On line 16 of the Washington amendment to page 4, line 17, strike "solely" and insert "primarily" and on the last line of the following section strike "solely" and insert "primarily".

Senator Talley moved that the amendment by Senator Washington, as amended, be laid upon the table.

Senator Washington demanded a roll call. The demand was not sustained.

The motion by Senator Talley carried and the amendment, as amended, by Senator Washington was laid upon the table on a rising vote.

On motion of Senator Mardesich, the rules were suspended, House Bill No. 100, 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. 100, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 37; nays, 11; excused, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Cunningham, Day, Donohue, Goltz, Gould, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Marsh, Matson, Morrison, Murray, Newschwander, North, Peterson, Pullen, Ridder, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker—37.

Voting nay: Senators Fleming, Francis, Grant, Mardesich, McDermott, Odegaard, Rasmussen, Sandison, Washington, Wilson, Woody—11.

Excused: Senator Clarke—1.

HOUSE BILL NO. 100, 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 Talley, House Bill No. 100, as amended by the Senate, was ordered immediately transmitted to the House.

PERSONAL PRIVILEGE

Senator Lewis (R. H. "Bob"): "Senator Washington brought up some rather interesting points in his conversation today, including the habit that we sometimes have of directing agencies and departments to construe liberally and I would like to say I would help him construe conservatively in the future."

REMARKS BY SENATOR BAILEY

Senator Bailey: "Mr. President, I was just rising to object to that type of personal privilege. Personal privilege, I think, is something that goes in the record that affects somebody personally and if we start that, arguing a bill after it is voted on, I think we are starting a bad practice for the record."

REPLY BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "Your point is well taken."

SECOND READING

SENATE BILL NO. 2046, by Senators Walgren, Beck and Talley:

Declaring that fishing derbys are not gambling and removing them from regulation by the gambling commission.

REPORT OF STANDING COMMITTEE

February 18, 1975.

SENATE BILL NO. 2046, declaring that fishing derbys are not gambling and removing them from regulation by the gambling commission (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, line 10, after "profit" and before "they" insert ", or when they are conducted by a bona-fide charitable or non-profit organization, or when they are sponsored or approved by a city or town for community or civic purposes" and in line 11, after "gambling" and before "and" insert ",".

On page 5, line 1, after "contestants" strike the balance of the subsection and insert "[;] wherein [the contestants compete with each other for a prize or prizes, whether money, merchandise or other thing of value; the prize or prizes is or are awarded based upon the lawful catching of fish by any one or more of the contestants; and when such contest is conducted by a bona-fide charitable or nonprofit organization,] prizes are awarded for the specie, size, weight, or quality of fish caught in a bona fide fishing or recreational event."

On page 5, line 12, after "derbys" and before the comma insert "as defined by this chapter".

Signed by: Senators Buffington, Clarke, Jones, Marsh, Scott, Van Hollebeke, Woody.

The bill was read the second time by sections.

On motion of Senator Francis, the committee amendment to page 2, line 10 was not adopted.

On motion of Senator Walgren, the committee amendments to page 5, lines 1 and 12 were adopted.

There being no objection, the amendment by Senator Wilson, on the Secretary's desk, was withdrawn.

Senator Talley moved adoption of the following amendment:

On page 2, line 13, section 1, following "hereunder." add the following two paragraphs:

"The legislature further declares that an annual carnival conducted by an association shall not constitute any form of gambling or lottery and shall not be subject to the provisions of this chapter or any rules or regulations adopted hereunder.

"The legislature further declares that an annual Reno night conducted by a bona fide charitable or nonprofit organization shall not constitute any form of gambling or lottery and shall not be subject to the provisions of this chapter or any rules or regulations adopted hereunder."

Debate ensued.

POINT OF ORDER

Senator Mardesich: "Mr. President, I raise the question of scope and object on the basis that the bill pertains to the question of fishing derbies and this is an extension to an entirely different matter, and I do that keeping in mind that Senator Francis has indicated that the main subject of this amendment is before Rules Committee now."

RULING BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "The President finds that it does enlarge the scope and object. Your point is well taken."

The amendment by Senator Talley was ruled out of order.

MOTIONS

On motion of Senator Knoblauch, Senator Grant was excused.

On motion of Senator Walgren, the rules were suspended, Engrossed Senate Bill No. 2046 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. 2046, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—47.

Excused: Senators Clarke, Grant—2.

ENGROSSED SENATE BILL NO. 2046, having received the 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. 2192, by Senators Stortini, Ridder and Wanamaker:
Increasing the membership of the teachers' retirement system board.
The bill was read the second time by sections.

On motion of Senator Stortini, the following amendment by Senators Stortini and Ridder was adopted:

Beginning on line 6, strike all the material down through the period on line 18 and insert:

"The general administration of and responsibility for the proper [operation] administration of the retirement system are vested in a board of [trustees;] directors [the members of the board of trustees shall be] consisting of the state superintendent of public instruction, ex officio, the state insurance commissioner, ex officio, [and] five members of the retirement system to be chosen by the state board of education for a term of three years, [and] at least three of [said members] whom shall be classroom teachers; and two members of the retirement system who are drawing retirement benefits from the system for service or disability. These two are to be selected by the state board of education. One such retirement member will serve an initial term of two years and the other will serve an initial term of three years. Thereafter each such retirement member shall serve for a term of three years."

On motion of Senator Stortini, the rules were suspended, Engrossed Senate Bill No. 2192 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. 2192, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—47.

Excused: Senators Clarke, Grant—2.

ENGROSSED SENATE BILL NO. 2192, having received the 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 12:50 p.m., on motion of Senator Mardesich, the Senate adjourned until 11:00 a.m., Thursday, February 27, 1975.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

FORTY-SIXTH DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, February 27, 1975.

The Senate was called to order at 11:00 a.m. by President Pro Tempore Henry. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Mardesich and Washington. On motion of Senator Knoblauch, Senators Mardesich and Washington were excused.

The Color Guard, consisting of Pages Kelley Grubb and Tom Van Hollebeke, presented the Colors. Reverend Herbert B. McLellan, Priest in Residence of St. John's Episcopal Church of Olympia, offered the following prayer:

"LORD, WE DESIRE TO PLACE OURSELVES AND WHAT WE ARE ABOUT TO UNDERTAKE IN YOUR HANDS. GUIDE, DIRECT, AND PROSPER THIS SENATE OF THE STATE OF WASHINGTON, WE BESEECH YOU; AND IF YOU SEE THAT THIS UNDERTAKING WILL BE FOR THY GLORY, GRANT THIS BODY GOOD SUCCESS. MAKE US AND THOSE WHO ACT WITH US TO FEEL THAT, UNLESS YOUR BLESSING IS WITH US, WE CANNOT SUCCEED, AND THAT, EXCEPT THE LORD BUILD THE HOUSE, THEIR LABOR IS BUT LOST THAT BUILD IT. DIRECT US, THEN, O LORD, IN THIS AND ALL OUR DOINGS WITH YOUR MOST GRACIOUS FAVOR AND FURTHER US WITH YOUR CONTINUAL HELP THAT IN ALL OUR WORKS BEGUN, CONTINUED, AND ENDED IN THEE, WE MAY GLORIFY THY NAME THROUGH JESUS CHRIST. AMEN."

MOTION

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

REPORTS OF STANDING COMMITTEES

February 25, 1975.

SENATE BILL NO. 2077, fixing the compensation of jurors (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Francis, Chairman; Bottiger, Buffington, Fleming, Jones, Scott, Woody.

Passed to Committee on Rules for second reading.

February 26, 1975.

SENATE BILL NO. 2235, allowing certain public utility districts to acquire, construct, operate and add to sewage and sanitation systems (reported by Committee on Local Government):

MAJORITY recommendation: That Substitute Senate Bill No. 2235 be substituted therefor and the substitute bill do pass.

Signed by: Senators Fleming, Chairman; Jolly, Lewis (R. H. "Bob"), McDermott, North, Sellar, Talley, Wilson.

Passed to Committee on Rules for second reading.

February 26, 1975.

SENATE BILL NO. 2240, authorizing state fire marshal to adopt standards for fire prevention of state owned facilities and conduct inspections (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Rasmussen, Chairman; Buffington, Day, Henry, Knoblauch, Wanamaker.

Passed to Committee on Rules for second reading.

February 27, 1975.

SENATE BILL NO. 2287, revising law relating to commercial trolling (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Peterson, Chairman; Bluechel, Grant, Pullen, Rasmussen.

Passed to Committee on Rules for second reading.

February 25, 1975.

SENATE BILL NO. 2329, exempting PTA carnivals and certain Reno nights from gambling laws (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Buffington, Fleming, Jones, Marsh, Scott.

Passed to Committee on Rules for second reading.

February 27, 1975.

SENATE BILL NO. 2393, authorizing the director of game to open, close, shorten, or reopen seasons by his order (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Peterson, Chairman; Beck, Bluechel, Grant, Pullen, Rasmussen, Talley.

Passed to Committee on Rules for second reading.

February 26, 1975.

SENATE BILL NO. 2422, extending use of special parking permits for handicapped persons (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; von Reichbauer, Vice Chairman; Buffington, Goltz, Gould, McDermott, North, Pullen, Ridder.

Passed to Committee on Rules for second reading.

February 26, 1975.

SENATE BILL NO. 2434, permitting the state finance committee to invest in paper secured by the sale or lease of equipment of a corporation located in the state (reported by Committee on State Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Rasmussen, Chairman; Buffington, Cunningham, Henry, Knoblauch, Wanamaker.

Passed to Committee on Rules for second reading.

February 26, 1975.

SENATE BILL NO. 2456, authorizing partial payment of fee of institutions of higher education for members of state national guard and making an appropriation therefor (reported by Committee on State Government):

Recommendation: Do pass and be referred to the Committee on Ways and Means.

Signed by: Senators Rasmussen, Chairman; Buffington, Cunningham, Day, Henry, Knoblauch, Wanamaker.

Referred to Committee on Ways and Means.

February 26, 1975.

SENATE BILL NO. 2484, allowing an officer or employee to receive accrued vacation when transferring from one state agency to another (reported by Committee on State Government):

Recommendation: Do pass.

Signed by: Senators Rasmussen, Chairman; Buffington, Cunningham, Day, Henry, Knoblauch, Wanamaker.

Passed to Committee on Rules for second reading.

February 26, 1975.

SENATE BILL NO. 2493, permitting transfer between the LEFF and state patrol retirement systems (reported by Committee on State Government):

MAJORITY recommendation: Do pass as amended and be referred to the Committee on Ways and Means.

Signed by: Senators Rasmussen, Chairman; Buffington, Cunningham, Knoblauch, Wanamaker.

Referred to Committee on Ways and Means.

February 25, 1975.

SENATE BILL NO. 2495, enlarging the scope and duties of the department of natural resources as regards surveys and maps (reported by Committee on Natural Resources):

MAJORITY recommendation: That Substitute Senate Bill No. 2495 be substituted therefor and the substitute bill do pass.

Signed by: Senators Peterson, Chairman; Lewis (Harry), Pullen, Rasmussen, Sandison, Talley.

Passed to Committee on Rules for second reading.

February 27, 1975.

SENATE BILL NO. 2509, permitting notaries public to use rubber stamps in addition to seals (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Bottiger, Buffington, Clarke, Fleming, Jones, Marsh, Van Hollebeke.

Passed to Committee on Rules for second reading.

February 26, 1975.

SENATE JOINT MEMORIAL NO. 110, memorializing Congress to exempt duck hunting from requirements of federal environmental policy act (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass.

Signed by: Senators Peterson, Chairman; Beck, Lewis (Harry), Pullen, Rasmussen, Sandison, Talley.

Passed to Committee on Rules for second reading.

February 27, 1975.

SENATE CONCURRENT RESOLUTION NO. 103, resolving to continue cooperation with other western states to coalesce positions relating to forest programs (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass.

Signed by: Senators Peterson, Chairman; Beck, Bluechel, Grant, Pullen, Rasmussen, Talley.

Passed to Committee on Rules for second reading.

February 27, 1975.

HOUSE BILL NO. 142, requiring that a copy of every adverse decision and order in administrative proceedings be transmitted to the party's attorney of record (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Buffington, Clarke, Fleming, Jones, Marsh, Van Hollebeke.

Passed to Committee on Rules for second reading.

February 26, 1975.

HOUSE JOINT MEMORIAL NO. 7, requesting Congress continue hot lunch program for elderly (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; von Reichbauer, Vice Chairman; Buffington, Cunningham, Goltz, Gould, McDermott, North, Pullen, Ridder, Van Hollebeke.

MOTION

On motion of Senator Day, the rules were suspended and House Joint Memorial No. 7 was advanced to second reading and ordered placed on the second reading calendar for Friday, February 28, 1975.

February 26, 1975.

ENGROSSED HOUSE JOINT MEMORIAL NO. 8, requesting Congress and the administration reduce prices of food stamps (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; von Reichbauer, Vice Chairman; Buffington, Goltz, Gould, McDermott, North, Pullen, Ridder, Van Hollebeke.

MOTION

On motion of Senator Day, the rules were suspended and Engrossed House Joint Memorial No. 8 was advanced to second reading and ordered placed on the second reading calendar for Friday, February 28, 1975.

POINT OF INQUIRY

Senator Lewis (Harry): "Will Senator Day yield to a question? Senator Day, are you intending to try to take action on them today or do you want them on the calendar for tomorrow?"

Senator Day: "Tomorrow."

MESSAGES FROM THE HOUSE

February 26, 1975.

Mr. President: The House has passed REENGROSSED SUBSTITUTE HOUSE BILL NO. 217, and the same is herewith transmitted.

DONALD R. WILSON, Chief Clerk.

February 26, 1975.

Mr. President: The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 32,

ENGROSSED HOUSE BILL NO. 102,

HOUSE BILL NO. 133,

HOUSE BILL NO. 170,

ENGROSSED HOUSE BILL NO. 172,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 207,

ENGROSSED HOUSE BILL NO. 276,

ENGROSSED HOUSE BILL NO. 311,

ENGROSSED HOUSE BILL NO. 316,

SUBSTITUTE HOUSE BILL NO. 345,

ENGROSSED HOUSE BILL NO. 350,

ENGROSSED HOUSE BILL NO. 406,

HOUSE JOINT MEMORIAL NO. 1,

HOUSE JOINT MEMORIAL NO. 4, and the same are herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

MESSAGE FROM THE HOUSE

Office of Chief Clerk, February 25, 1975.

THE HONORABLE JOHN A. CHERBERG
LIEUTENANT GOVERNOR
LEGISLATIVE BUILDING
OLYMPIA, WASHINGTON 98504

DEAR GOVERNOR CHERBERG:

I have the honor to transmit a certified copy of House Resolution No. 75-13 which was adopted by the Washington State House of Representatives on February 19, 1975.

Very truly yours,
DEAN R. FOSTER
Chief Clerk.

HOUSE FLOOR RESOLUTION NO. 75-13, by Representatives Bauer and Maxie.

WHEREAS, The Legislature of the State of Washington has before it several proposals regarding vocational education; and

WHEREAS, The concerns of vocational education affect both common school and higher education; and

WHEREAS, The Senate has created a Select Committee on Vocational Education to review these various proposals;

NOW, THEREFORE, BE IT RESOLVED, By the House of Representatives, That the Speaker of the House of Representatives appoint a six-member select committee on vocational education, three members from the House Education Committee with no more than two members from the same political party and three members from the House Higher Education Committee with no more than two members from the same political party. Such select committee shall make every effort to work mutually and jointly with the Senate Select Committee on Vocational Education and shall carry out its special study and report its findings and recommendations to the Forty-fourth Legislature as soon as possible, but prior to the conclusion of the 1975 regular legislative session.

BE IT FURTHER RESOLVED, That the Chief Clerk of the House transmit copies of this resolution to the Senate, the Governor, the Superintendent of Public Instruction, and the directors of the State Board for Community College Education and the Coordinating Council for Occupational Education.

I hereby certify this to be a true and correct copy of Resolution adopted by the House of Representatives February 19, 1975.

DEAN R. Foster, Chief Clerk
House of Representatives.

INTRODUCTION AND FIRST READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 32, by Committee on Labor (originally sponsored by Representatives Parker and Adams):

Conforming state minimum wage laws to federal laws.
Referred to Committee on Labor.

ENGROSSED HOUSE BILL NO. 102, by Representatives Chatalas, Curtis, Shinpoch, Polk, Bagnariol, Flanagan, North and Randall (by Legislative Budget Committee request):

Reconstituting purchasing and material control in state government.
Referred to Committee on State Government.

HOUSE BILL NO. 133, by Representatives Hayner, Haussler and McKibbin:
Increasing dollar amount below which county may dispense with competitive bidding.

Referred to Committee on Local Government.

HOUSE BILL NO. 170, by Representatives McCormick, Leckenby, Bond, Gallagher and Laughlin:
 Providing an extension of time for tax exemption on use of propane in motor vehicles.

Referred to Committee on Transportation and Utilities.

ENGROSSED HOUSE BILL NO. 172, by Representatives Bagnariol, Curtis, Shinpoch and Polk (by Legislative Budget Committee request):
 Standardizing the making of public vehicles.

Referred to Committee on State Government.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 207, by Committee on Local Government (originally sponsored by Representatives O'Brien, Blair, Douthwaite and Gaines):

Authorizing cities and towns to provide certain off-street parking in manner their legislative authority provides by ordinance.

Referred to Committee on Local Government.

REENGROSSED SUBSTITUTE HOUSE BILL NO. 217, by Committee on Financial Institutions (originally sponsored by Representatives Valle, Nelson, Thompson, Erickson and Curtis):

Providing occupational therapy coverage under existing health insurance contracts.

Referred to Committee on Social and Health Services.

ENGROSSED HOUSE BILL NO. 276, by Representatives Charette, Eikenberry, Conner and Curtis:

Authorizing municipal corporations and political subdivisions to purchase liability insurance for their officers, agents and employees.

Referred to Committee on Local Government.

ENGROSSED HOUSE BILL NO. 311, by Representatives Tilly, Gaspard, Hayner and Knowles:

Providing a reinstatement period for a corporation of three years.

Referred to Judiciary Committee.

ENGROSSED HOUSE BILL NO. 316, by Representatives Sommers, O'Brien and Leckenby (by State Treasurer request):

Placing five year statute of limitations on claims against state for state warrants and permitting destruction of redeemed warrants after six years.

Referred to Committee on State Government.

SUBSTITUTE HOUSE BILL NO. 345, by Committee on Ways and Means — Revenue (originally sponsored by Representatives Moreau and Erickson):

Eliminating fee and changing excise tax registration certificate requirements.

Referred to Committee on Ways and Means.

President Cherberg assumed the Chair.

ENGROSSED HOUSE BILL NO. 350, by Representatives Randall, Pardini and Erickson (by Department of Revenue request):

Pertaining to hotel, motel excise tax by counties and cities.

Referred to Committee on Ways and Means.

ENGROSSED HOUSE BILL NO. 406, by Representatives Bauer, Zimmerman, McKibbin, Hawkins and Laughlin:

Authorizing retired teachers to have health insurance premiums deducted from their retirement allowances.

Referred to Committee on Education.

HOUSE JOINT MEMORIAL NO. 1, by Representatives Tilly, North, Hayner and Bond:

Requesting Congress to return Memorial Day and Veterans Day to their traditional dates.

Referred to Committee on State Government.

HOUSE JOINT MEMORIAL NO. 4, by Representatives Bond, Perry, Haussler, McCormick, Berentson, Newhouse, Zimmerman, Luders, Dunlap, Peterson, Tilly, Barnes, Amen, Brown, Hendricks, Haley, Wilson, Whiteside, Kuehnle, Hayner, Pardini, Flanagan, Paris, Curtis, Patterson, Charnley and Matthews:

Memorializing the President and the Governors of several western states to meet in conference at Olympia for the purpose of seeking remedies for the problem of natural gas supplies.

Referred to Committee on Transportation and Utilities.

SECOND READING

SENATE BILL NO. 2381, by Senators Beck, Guess and Stortini:

Providing for annual review for cancellation of voters but allowing vote in last presidential election to be deemed vote within preceding thirty months.

REPORT OF STANDING COMMITTEE

February 10, 1975.

SENATE BILL NO. 2381, providing for annual review for cancellation of voters but allowing vote in last presidential election to be deemed vote within preceding thirty months (reported by Committee on Constitution and Elections):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 23, after "section" and before the period insert ": PROVIDED FURTHER, That in the event the county auditor has reason to believe that any registered voter no longer resides in the county he is authorized to send, by certified mail, a notice of pending cancellation to the address contained in the registration records for that voter. If the notice is returned as undeliverable or no response is received within thirty days of the date of mailing such cancellation notice, the county auditor shall remove such voter's name from the registration lists of that county at the next succeeding record examination provided for in this section"

Signed by: Senators Beck, Chairman; Lewis (R. H. "Bob"), Pullen, Stortini, Washington.

The bill was read the second time by sections.

Senator Beck moved that the committee amendment not be adopted.

Senator Lewis (R. H. "Bob") moved that the committee amendment be adopted.

Debate ensued.

The President declared the positive motion by Senator Lewis (R. H. "Bob") that the committee amendment be adopted was before the Senate.

The motion by Senator Lewis (R. H. "Bob") failed and the amendment was not adopted.

On motion of Senator Beck, the following amendments were adopted:

Add two new sections following section 1 as follows:

"Sec. 2. Section 29.10.120, chapter 9, Laws of 1965 as amended by section 33, chapter 202, Laws of 1971 ex. sess. and RCW 29.10.120 are each amended to read as follows:

On or before August 1st of [the odd-numbered] each year, each county auditor shall execute a sworn statement and file same with the secretary of state within ten days after date of execution. Said statement shall be furnished by the office of secretary of state and shall be in substantially the following form:

State of Washington)
) ss.
County of)

I,, do solemnly swear that I have caused to be examined the permanent voting record of each registered voter under my jurisdiction and have canceled those registrations of said voters who have failed to cast a ballot at any election held during the thirty month period immediately prior to the first day of April of this year as provided by law.

Further, the number of said cancellations totaled A notice has been mailed to each elector concerned and the office of the secretary has been notified of said cancellations as reported on Permanent Registration Form No. 8.

.....
Signature

.....
Title

Subscribed and sworn to.

NEW SECTION. Sec. 3. If any provision of this 1975 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."

On motion of Senator Beck, the following amendment to the title was adopted:

On line 1 of the title after "elections;" insert "creating a new section; amending section 29.10.120, chapter 9, Laws of 1965 as amended by section 33, chapter 202, Laws of 1971 ex. sess. and RCW 29.10.120;"

On motion of Senator Beck, the rules were suspended, Engrossed Senate Bill No. 2381 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Grant: "Would Senator Beck yield to a question? Senator Beck, as I read it now, since the committee amendment has not been adopted, all the bill does is require or mandate that the county auditors purge the lists annually rather than biennially. Do you have a fiscal note on this bill, the cost that will be required to counties in order to accomplish this?"

Senator Beck: "No, there has been no fiscal study or impact made. All of the auditors in the state wanted this bill and so did the Superintendent of Elections in the Secretary of State. Obviously, the cost is going to be more to the election officials by having all this deadwood in the registration files. I might cite right here in my own particular district there was — when it comes election time, the election official has to have thirty-six thousand ballots printed that are ready for anyone who walks in to vote, and if there are only nineteen thousand there you have almost doubled the number of ballots that he has to have on hand, not to mention all the costs to those people who are sending out even the voters pamphlet. It is an additional burden. There is almost one-half of the voters pamphlets that could be saved; the printing and distributing of all those voters pamphlets. The cost is so far less than leaving all this deadwood in there. It is a good bill."

Further debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2381, and the bill passed the Senate by the following vote: Yeas, 29; nays, 18; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Donohue, Gould, Guess, Henry, Herr, Jolly, Keefe, Lewis (R. H. "Bob"), Marsh, Matson, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Sandison, Sellar, Stortini, von Reichbauer, Walgren—29.

Voting nay: Senators Bottiger, Fleming, Francis, Goltz, Grant, Jones, Knoblauch, Lewis (Harry), McDermott, Murray, Rasmussen, Ridder, Scott, Talley, Van Hollebeke, Wanamaker, Wilson, Woody—18.

Excused: Senators Mardesich, Washington—2.

ENGROSSED SENATE BILL NO. 2381, having received the 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. 2271, by Senators Donohue, Newschwander, Sandison, Matson and Washington (by Superintendent of Public Instruction request):
Authorizing increased state matching funds for school construction.

REPORT OF STANDING COMMITTEE

February 14, 1975.

SENATE BILL NO. 2271, authorizing increased state matching funds for school construction (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 16, after "of" and before "acquiring" strike "*preliminary planning*".

On page 1, beginning on line 25, after "formula" strike ", which may include the full cost incurred by the school districts for preliminary planning".

On page 3, add a new section to read as follows:

"*NEW SECTION.* Sec. 2. This 1975 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 July 1, 1975."

On page 1, line 4 of the title, after "28A.47.803" and before the period insert "; declaring an emergency and making an effective date".

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Wilson, Second Vice Chairman; Bailey, Jones, Lewis (Harry), Marsh, Murray, Newschwander, Rasmussen, Scott.

The bill was read the second time by sections.

On motion of Senator Donohue, the committee amendments to page 1, lines 16 and 25, were considered and adopted simultaneously.

On motion of Senator Donohue, the committee amendment on page 3, adding a new section, was adopted.

On motion of Senator Donohue, the committee amendment to the title was adopted.

On motion of Senator Donohue, the rules were suspended, Engrossed Senate Bill No. 2271 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Francis: "Will Senator Donohue yield to a question? Senator Donohue, I just want to make sure I understand this. The bill, as I see it now, outside of an emergency clause only changes two words. It strikes 'two' and inserts 'three' in two places, and by doing that — I guess what I am asking for is an explanation. Do I understand from what you just said that by striking the 'two' and inserting a 'three' we have raised the matching funds from thirty-three and one-third percent to fifty percent? In other words, we have made a fifty percent increase in the amount of matching funds?"

Senator Donohue: "The present matching fund is thirty-three percent. This will raise it up so that it is fifty percent."

Senator Francis: "To fifty percent which would be one hundred and fifty percent over what we are now giving, or a fifty percent increase. So two to three would do that. Is that what you are saying?"

Senator Donohue: "That is correct."

POINT OF INQUIRY

Senator Odegaard: "Mr. President, would Senator Donohue yield to a question? Senator Donohue, you know many of us have a concern of the possible duplication of

vocational facilities in the future. I would like to ask of you, to have in the record, if any of these funds are intended by the SPI to be used for skill centers in the future?"

Senator Donohue: "Senator Odegaard, this question was asked at the Ways and Means Committee hearing and the person there from the SPI, and I have a letter in my office which assures us that this will not be used for skill center construction."

POINT OF INQUIRY

Senator Lewis (Harry): "Will Senator Donohue yield? Senator Donohue, in your answer to Senator Francis, I was not quite sure what you said. Did you say it was an increase in the amount of dollars? Does it not have to do with the number of pupils and the increase in the valuations and an adjustment in the formula to provide those dollars? Can you clarify that answer to Senator Francis? It appeared to me that it might have been somewhat misleading."

Senator Donohue: "Senator Lewis, the present law and the present distribution, there is a thirty-three percent state match available to local school districts out of the common school construction fund. When we pass this bill it will allow the Superintendent of Public Instruction to match as high as fifty percent of construction which would free, as I said, about twenty-three point five million dollars out of the common school construction fund."

Senator Lewis (Harry): "I think that does it. In actual practice it will not raise that amount, though, for each district. It may raise as much as seventeen to sixty percent, depending on the situation."

Senator Donohue: "That is correct."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2271, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Wilson, Woody—47.

Excused: Senators Mardesich, Washington—2.

ENGROSSED SENATE BILL NO. 2271, having received the 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 Bailey, Senate Bill No. 2060 was ordered to hold its place on the second reading calendar for Friday, February 28, 1975.

On motion of Senator Bottiger, Senate Bill No. 2159 was ordered placed at the end of today's second reading calendar.

SECOND READING

SENATE BILL NO. 2051, by Senator Day:

Increasing professional engineer and land surveyor fees.

The bill was read the second time by sections.

On motion of Senator Day, the rules were suspended, Senate Bill No. 2051 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. 2051, and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; absent or not voting, 1; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Stortini, Talley, Van Hollebeke, Walgren, Wanamaker, Wilson, Woody—45.

Voting nay: Senator Scott—1.

Absent or not voting: Senator von Reichbauer—1.

Excused: Senators Mardesich, Washington—2.

SENATE BILL NO. 2051, having received the 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. 2397, by Senators Newschwander, Matson and Peterson:

Permitting credit card purchases of liquor at state liquor stores.

The bill was read the second time by sections.

Senator Pullen moved adoption of the following amendment:

On page 2, line 2, strike the period and insert "; AND FURTHER PROVIDED, Before an employee in a state liquor store or agency delivers the liquor to a purchaser using a credit card, the employee shall affix to each bottle or case a label bearing the message: CAUTION. The consumption of alcoholic beverages may be hazardous to your health and to the health of others."

Debate ensued.

POINT OF ORDER

Senator Talley: "Neither speaking for or against the amendment, but I do think it enlarges the scope and object."

At 12:10 p.m., the President declared the Senate to be at ease.

The President called the Senate to order at 12:24 p.m.

RULING BY THE PRESIDENT

The President: "The President, in ruling upon the point of order as presented by Senator Talley, finds that Senate Bill No. 2397 is a measure permitting credit card purchases of liquor at state liquor stores. The amendment proposed by Senator Pullen, however, requires labels to be attached to bottles and/or cases of liquor, giving the purchaser the warning that the consumption of the contents may be hazardous to oneself and that of others. The amendment does not consider the cost impact of such a procedure and thus the amendment does increase the scope and object of the bill. The point as presented by Senator Talley is well taken."

The amendment by Senator Pullen was ruled out of order.

PERSONAL PRIVILEGE

Senator Lewis (Harry): "Members of the Senate, I would just like to draw your attention to the ruling that the President made which I think was a right and proper ruling under our rules in the Senate. I would also like to remind you that in the House the question of scope and object is of much broader form and in fact, really, there is not the scope and object rule in the House, and while it has distinct advantages for us here, I raise the question of privilege for the reason that I want to point out that we are almost at the point in the Senate where we cannot amend legislation, not through the fault of the President or rulings of the President, who is adhering to our rules, but I think we should carefully consider this matter. Senator Mardesich has spoken to the same thing in the past. We are almost at a position where it is impossible to make any kind of substantive amendments at all on bills before the Senate. Perhaps this is what we want; perhaps it is not; but I think we should be aware of it and that this ruling presented by the Senate is very descriptive of the position that the Senate is in as far as scope and object on amendments."

POINT OF ORDER

Senator Bailey: "My point of order is that we have nothing before the Senate unless someone wants to appeal the decision of the Chair, and I move we proceed, to waste more time on this very wasteful bill."

Senator Knoblauch moved adoption of the following amendment:

On page 2, line 2, insert the following new section:

"NEW SECTION. Sec. . . . 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 Knoblauch failed and the amendment was not adopted.

On motion of Senator Newschwander, the rules were suspended, Senate Bill No. 2397 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

MOTION

On motion of Senator Knoblauch, Senator Fleming was excused.

Further debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2397, and the bill failed to pass the Senate by the following vote: Yeas, 11; nays, 35; absent or not voting, 1; excused, 2.

Voting yea: Senators Grant, Henry, Lewis (Harry), Mardesich, Matson, Murray, Newschwander, Peterson, Rasmussen, Sandison, Wanamaker—11.

Voting nay: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Francis, Goltz, Gould, Guess, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (R. H. "Bob"), Marsh, McDermott, Morrison, North, Odegaard, Pullen, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wilson, Woody—35.

Absent or not voting: Senator Ridder—1.

Excused: Senators Fleming, Washington—2.

SENATE BILL NO. 2397, having failed to receive the constitutional majority, was declared lost.

MOTION

On motion of Senator Donohue, Senate Bill No. 2190 was ordered to hold its place on the second reading calendar for Friday, February 28, 1975.

SECOND READING

SENATE BILL NO. 2172, by Senators Clarke and Francis (by Judicial Council request):

Requiring the clerk of district and municipal courts to collect and remit fees, costs, penalties, fines and forfeitures.

REPORT OF STANDING COMMITTEE

February 7, 1975.

SENATE BILL NO. 2172, requiring the clerk of district and municipal courts to collect and remit fees, costs, penalties, fines and forfeitures (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 21, after "assessed" strike "and collected" and insert [and collected].

Signed by: Senators Francis, Chairman; Buffington, Clarke, Fleming, Jones, Marsh, Scott, Van Hollebeke.

The bill was read the second time by sections.

On motion of Senator Francis, the committee amendment was adopted.

On motion of Senator Francis, the rules were suspended, Engrossed Senate Bill No. 2172 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. 2172, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Wilson, Woody—47.

Excused: Senators Fleming, Washington—2.

ENGROSSED SENATE BILL NO. 2172, having received the 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. 226, by Representatives Charette and Smith (Rick) (by Statute Law Committee request):

Appropriating funds for bill drafting and session law publication.

The bill was read the second time by sections.

On motion of Senator Donohue, the rules were suspended, House Bill No. 226 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. 226, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Wilson, Woody—47.

Excused: Senators Fleming, Washington—2.

HOUSE BILL NO. 226, having received the 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. 2159, by Senators Walgren, Wanamaker and Bottiger:
Pertaining to motor vehicle fuel taxes.

MOTION

On motion of Senator Mardesich, Senate Bill No. 2159 was made a special order of business for 11:30 a.m., Friday, February 28, 1975.

MOTION

At 12:46 p.m., on motion of Senator Mardesich, the Senate adjourned until 11:00 a.m., Friday, February 28, 1975.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

FORTY-SEVENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, February 28, 1975.

The Senate was called to order at 11:00 a.m. by President Pro Tempore Henry. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Buffington, Grant, Guess and Washington. On motion of Senator Lewis (R. H. "Bob"), Senators Buffington and Guess were excused. On motion of Senator Knoblauch, Senator Washington was excused. There being no objection, Senator Grant was excused.

The Color Guard, consisting of Pages Sheila Holt and Kirk Scoles, presented the Colors. Reverend Herbert B. McLellan, Priest in Residence of St. John's Episcopal Church of Olympia, offered the following prayer:

"ALMIGHTY GOD, OUR HEAVENLY FATHER, BLESS OUR STATE AND THIS SENATE BODY, THAT IT MAY BE A BLESSING TO THE STATE. GRANT THAT OUR IDEALS AND ASPIRATIONS MAY BE IN ACCORDANCE WITH YOUR WILL AND HELP US TO SEE OURSELVES AS OTHERS SEE US. KEEP US FROM HYPOCRISY IN FEELING OR ACTION. GRANT US SOUND GOVERNMENT AND JUST LAWS, GOOD EDUCATION AND A CLEAN PRESS, SIMPLICITY AND JUSTICE IN OUR RELATIONS WITH ONE ANOTHER, AND, ABOVE ALL, A SPIRIT OF SERVICE WHICH WILL ABOLISH PRIDE OF PLACE AND INEQUALITY OF OPPORTUNITY. THROUGH JESUS CHRIST OUR LORD. AMEN."

MOTION

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

REPORTS OF STANDING COMMITTEES

February 27, 1975.

SENATE BILL NO. 2032, providing that renewal of school district superintendent's contracts be solely at the discretion of the employer school board (reported by Committee on Education):

Recommendation: Do pass.

Signed by: Senators Stortini, Chairman; Francis, Gould, McDermott, Murray, Newschwander, von Reichbauer.

Passed to Committee on Rules for second reading.

February 27, 1975.

SENATE BILL NO. 2085, providing for optional membership in state school directors' association and clarifying basis for payment of dues (reported by Committee on Education):

MAJORITY recommendation: Do pass.

Signed by: Senators Stortini, Chairman; Francis, McDermott, von Reichbauer.

Passed to Committee on Rules for second reading.

February 25, 1975.

SENATE BILL NO. 2092, enacting a new criminal code for crime against persons (reported by Judiciary Committee):

MAJORITY recommendation: That Substitute Senate Bill No. 2092 be substituted therefor and the substitute bill do pass.

Signed by: Senators Francis, Chairman; Buffington, Clarke, Fleming, Scott, Woody.

Passed to Committee on Rules for second reading.

February 27, 1975.

SENATE BILL NO. 2108, enacting the uniform foreign money-judgments recognition act (reported by Committee on Rules):

Recommendation: That Senate bill No. 2108 be referred to Judiciary Committee.

Signed by: Lieutenant Governor Cherberg, Chairman; Senators Bailey, Bottiger, Clarke, Guess, Henry, Herr, Keefe, Lewis (Harry), Mardesich, Marsh, Matson, Newschwander, Talley.

Referred to Judiciary Committee.

February 27, 1975.

SENATE BILL NO. 2169, providing for the adoption and implementation of standards for integrating school library and media services (reported by Committee on Education):

MAJORITY recommendation: Do pass.

Signed by: Senators Stortini, Chairman; Francis, Gould, McDermott, Murray, Newschwander.

Passed to Committee on Rules for second reading.

February 27, 1975.

SENATE BILL NO. 2258, screening certain school children in order to identify any children with specific learning disabilities (reported by Committee on Education):

Recommendation: That Substitute Senate Bill No. 2258 be substituted therefor and the substitute bill do pass and that the bill be referred to the Committee on Ways and Means.

Signed by: Senators Stortini, Chairman; Francis, Gould, McDermott, Murray, Newschwander, von Reichbauer.

Referred to Committee on Ways and Means.

February 25, 1975.

SENATE BILL NO. 2313, enacting a new criminal code relating to victimless crimes (reported by Judiciary Committee):

MAJORITY recommendation: That Substitute Senate Bill No. 2313 be substituted therefor and the substitute bill do pass.

Signed by: Senators Francis, Chairman; Bottiger, Buffington, Fleming, Jones, Scott.

Passed to Committee on Rules for second reading.

February 25, 1975.

SENATE BILL NO. 2314, enacting a new criminal code relating to miscellaneous crimes (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Francis, Chairman; Buffington, Clarke, Fleming, Scott, Van Hollebeke.

Passed to Committee on Rules for second reading.

February 28, 1975.

SENATE BILL NO. 2341, making certain changes in the laws relating to public service companies (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Walgren, Chairman; Henry, Vice Chairman; Beck, Benitz, Bottiger, Jolly, Knoblauch, Morrison, Wanamaker.

Passed to Committee on Rules for second reading.

February 28, 1975.

SENATE BILL NO. 2367, making certain changes in the laws relating to transportation (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass.

Signed by: Senators Walgren, Chairman; Henry, Vice Chairman; Beck, Benitz, Bottiger, Jolly, Morrison, Sellar, Wanamaker.

Passed to Committee on Rules for second reading.

February 25, 1975.

SENATE BILL NO. 2514, extending pilots' liens for services (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Buffington, Fleming, Marsh, Scott, Woody.

Passed to Committee on Rules for second reading.

February 27, 1975.

SENATE BILL NO. 2633, directing state board of education to authorize high school credits for persons accepted into the national guard high school career training (reported by Committee on Education):

Recommendation: Do pass.

Signed by: Senators Stortini, Chairman; Francis, Gould, McDermott, Murray, Newschwander, von Reichbauer.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE HOUSE

February 27, 1975.

Mr. President: The House concurred in the Senate amendment to House Bill No. 100 and has passed the bill as amended by the Senate.

DONALD R. WILSON, Assistant Chief Clerk.

February 27, 1975.

Mr. President: The Speaker has signed HOUSE BILL NO. 226, and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

February 27, 1975.

Mr. President: The Speaker has signed HOUSE BILL NO. 100, and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

APPOINTMENT OF SPECIAL COMMITTEE

President Pro Tempore Henry announced the presence in the Senate Chamber of Mrs. Betty Butler, National President of the Ladies Auxiliary to the Veterans of Foreign Wars of the United States and John J. Stang, Commander-in-Chief of the Veterans of Foreign Wars. President Pro Tempore Henry appointed Senators Donohue, Day, Rasmussen, Murray, Newschwander and Pullen as a committee of honor to escort the honored guests to the Senate rostrum.

With permission of the Senate, business was suspended to permit Mrs. Butler and Colonel Stang to address the Senate.

The committee of honor escorted the distinguished guests to the office of the Lieutenant Governor and the committee was discharged.

SIGNED BY THE PRESIDENT

The President signed:
HOUSE BILL NO. 100,
HOUSE BILL NO. 226.

MOTION

On motion of Senator Knoblauch, Senator Jolly was excused.

MOTION

On motion of Senator Mardesich, the special order of business for 11:30 a.m., Senate Bill No. 2159, pertaining to motor vehicle fuel taxes, was ordered placed temporarily at the end of today's calendar.

MOTION

At 11:35 a.m., on motion of Senator Mardesich, the Senate recessed subject to call of the President.

AFTERNOON SESSION

President Pro Tempore Henry called the Senate to order at 2:55 p.m.

SECOND READING

HOUSE JOINT MEMORIAL NO. 7, by Representatives North, Fortson, Savage, McCormick, Martinis, Kalich, Ehlers, Williams, Becker, Kilbury, Hurley, Charnley, Randall, Hawkins, Boldt, Moreau, Erickson, Seeberger, McKibbin, Gaines, Sherman, Smith (Rick), Chatalas, Cochrane and Gallagher:

Requesting Congress continue hot lunch program for elderly.

The memorial was read the second time in full.

On motion of Senator Day, the rules were suspended, House Joint Memorial No. 7 was advanced to third reading, the second reading considered the third, and the memorial was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of House Joint Memorial No. 7, and the memorial passed the Senate by the following vote: Yeas, 37; absent or not voting, 7; excused, 5.

Voting yea: Senators Bailey, Beck, Bluechel, Bottiger, Clarke, Cunningham, Day, Donohue, Fleming, Goltz, Gould, Henry, Herr, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Wilson—37.

Absent or not voting: Senators Benitz, Francis, Jones, Keefe, Lewis (Harry), Morrison, Woody—7.

Excused: Senators Buffington, Grant, Guess, Jolly, Washington—5.

HOUSE JOINT MEMORIAL NO. 7, having received the constitutional majority, was declared passed.

MOTION

On motion of Senator Lewis (R. H. "Bob"), Senators Benitz and Morrison were excused.

SECOND READING

ENGROSSED HOUSE JOINT MEMORIAL NO. 8, by Representatives Cochran, Charnley, Wojahn, O'Brien, Chatalas, Knowles, Maxie, Sherman, Hansen, North, Kilbury, Valle, Douthwaite, Williams, Hawkins, Hanna, Parker, Adams, King, Lysen, Moreau, Bender, Moon, Bauer, Clemente, Boldt, Savage and Gallagher:

Requesting Congress and the administration to reduce prices of food stamps.

The memorial was read the second time in full.

On motion of Senator Day, the rules were suspended, Engrossed House Joint Memorial No. 8 was advanced to third reading, the second reading considered the third, and the memorial was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Would Senator Day yield to a question? Senator Day, would you object if we moved this back for a little amendment?"

Senator Day: "Well, what is the amendment, striking the bill?"

Senator Rasmussen: "I thought you would never ask, Senator Day. I thought we might have an amendment there asking Congress to reduce the overall cost of living, along with the food stamps."

Senator Day: "I think that is very meritorious but . . ."

Senator Rasmussen: "If we brought that to their attention."

Senator Day: "I think that they are well aware of that and if they possibly could, they would, Senator, but I do not think it is an amendment that would really be pertinent to this memorial."

Senator Rasmussen: "Thank you, Senator Day."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Joint Memorial No. 8, and the memorial passed the Senate by the following vote: Yeas, 40; absent or not voting, 2; excused, 7.

Voting yea: Senators Bailey, Beck, Bluechel, Bottiger, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Henry, Herr, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Wilson—40.

Absent or not voting: Senators Keefe, Woody—2.

Excused: Senators Benitz, Buffington, Grant, Guess, Jolly, Morrison, Washington—7.

ENGROSSED HOUSE JOINT MEMORIAL NO. 8, having received the constitutional majority, was declared passed.

PERSONAL PRIVILEGE

Senator Lewis (Harry): "I would just like to compliment the efforts of Senator Day. I have not seen this kind of action on the floor since Senator Durkan was here, and to a great extent his actions remind me of Senator Durkan."

President Pro Tempore Henry: "Senator Day, do you feel your motives have been impugned? I cannot quite understand by his speech whether they were."

Senator Day: "I would like to make one correction, Mr. President, if I might though, that any time I have run I have not come off short in the primary."

SECOND READING

SENATE BILL NO. 2060, by Senators Donohue, Odegaard, Marsh, Woody, Newschwander and Morrison (by Legislative Budget Committee request):

Reconstituting purchasing and material control in state government.

MOTION

On motion of Senator Mardesich, Senate Bill No. 2060 was re-referred to the Committee on Rules.

SECOND READING

SENATE BILL NO. 2190, by Senators Washington, Lewis (Harry) and Beck:

Exempting bicentennial medals from sales and use taxes.

The bill was read the second time by sections.

On motion of Senator Donohue, the rules were suspended, Senate Bill No. 2190 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. 2190, and the bill passed the Senate by the following vote: Yeas, 41; absent or not voting, 1; excused, 7.

Voting yea: Senators Bailey, Beck, Bluechel, Bottiger, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Henry, Herr, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Wilson—41.

Absent or not voting: Senator Woody—1.

Excused: Senators Benitz, Buffington, Grant, Guess, Jolly, Morrison, Washington—7.

SENATE BILL NO. 2190, having received the 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. 2402, by Senators Bailey, Lewis (Harry) and Marsh:

Permitting port district commissioners to delegate authority to managing official.

REPORT OF STANDING COMMITTEE

February 18, 1975.

SENATE BILL NO. 2402, permitting port district commissioners to delegate authority to managing official (reported by Committee on Local Government):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 7, after "such" and before "powers" insert "administrative".

Signed by: Senators Fleming, Chairman; Jolly, Lewis (R. H. "Bob"), McDermott, North, Sellar, Talley, Wilson.

The bill was read the second time by sections.

Senator Fleming moved adoption of the committee amendment.

On motion of Senator Lewis (Harry), the following oral amendment to the committee amendment was adopted:

Amend the committee amendment to page 1, line 7, as follows:

Strike "administrative" and insert "administerial".

The motion by Senator Fleming carried and the committee amendment, as amended, was adopted.

On motion of Senator Fleming, the rules were suspended, Engrossed Senate Bill No. 2402 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. 2402, and the bill passed the Senate by the following vote: Yeas, 41; absent or not voting, 1; excused, 7.

Voting yea: Senators Bailey, Beck, Bluechel, Bottiger, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Henry, Herr, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Wilson—41.

Absent or not voting: Senator Woody—1.

Excused: Senators Benitz, Buffington, Grant, Guess, Jolly, Morrison, Washington—7.

ENGROSSED SENATE BILL NO. 2402, having received the 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. 2191, by Senators Bottiger, Murray and Fleming:

Authorizing retired and disabled persons to defer special assessments upon their residence.

MOTIONS

On motion of Senator Fleming, Substitute Senate Bill No. 2191 was substituted for Senate Bill No. 2191 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Fleming, the following amendments were adopted:

On page 4, line 29, after "year," and before "which" on line 30, strike "from any source whatsoever."

On page 5, line 35, after "deferred" and before "lien" strike "tax" and insert "special assessment".

On motion of Senator Fleming, the rules were suspended, Engrossed Substitute Senate Bill No. 2191 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. 2191, and the bill passed the Senate by the following vote: Yeas, 41; absent or not voting, 1; excused, 7.

Voting yea: Senators Bailey, Beck, Bluechel, Bottiger, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Henry, Herr, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Wilson—41.

Absent or not voting: Senator Woody—1.

Excused: Senators Benitz, Buffington, Grant, Guess, Jolly, Morrison, Washington—7.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2191, having received the 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 Knoblauch, Senator von Reichbauer was excused.

SECOND READING

SENATE BILL NO. 2024, by Senator Walgren:

Changing certain hearing requirements regarding franchises along public highways.

The bill was read the second time by sections.

On motion of Senator Walgren, the rules were suspended, Senate Bill No. 2024 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. 2024, and the bill passed the Senate by the following vote: Yeas, 41; excused, 8.

Voting yea: Senators Bailey, Beck, Bluechel, Bottiger, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Henry, Herr, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, Walgren, Wanamaker, Wilson, Woody—41.

Excused: Senators Benitz, Buffington, Grant, Guess, Jolly, Morrison, von Reichbauer, Washington—8.

SENATE BILL NO. 2024, having received the 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. 2285, by Senators Lewis (R. H. "Bob"), Guess, Murray and Sellar:

Deleting general election days as state legal holiday.

The bill was read the second time by sections.

On motion of Senator Rasmussen, the rules were suspended, Senate Bill No. 2285 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. 2285, and the bill passed the Senate by the following vote: Yeas, 34; nays, 5; absent or not voting, 2; excused, 8.

Voting yea: Senators Bailey, Beck, Bluechel, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Gould, Henry, Herr, Jones, Keefe, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Murray, Newschwander, North, Odegaard, Peterson, Rasmussen, Ridder, Scott, Sellar, Stortini, Van Hollebeke, Walgren, Wanamaker, Wilson, Woody—34.

Voting nay: Senators Bottiger, McDermott, Pullen, Sandison, Talley—5.

Absent or not voting: Senators Goltz, Lewis (Harry)—2.

Excused: Senators Benitz, Buffington, Grant, Guess, Jolly, Morrison, von Reichbauer, Washington—8.

SENATE BILL NO. 2285, having received the 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 Mardesich, the Senate advanced to the eighth order of business.

On motion of Senator Mardesich, Senate Resolutions 1975-15 and 16 were ordered to hold their places under the eighth order of business for Saturday, March 1, 1975.

At 3:35 p.m., on motion of Senator Mardesich, the Senate adjourned until 10:00 a.m., Saturday, March 1, 1975.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

FORTY-EIGHTH DAY

MORNING SESSION

Senate Chamber, Olympia, Saturday, March 1, 1975.

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 Buffington, Grant, Guess, McDermott, Stortini, Walgren and Washington. On motion of Senator Knoblauch, Senators Grant, McDermott and Stortini were excused. On motion of Senator Lewis (R. H. "Bob"), Senators Buffington and Guess were excused. On motion of Senator Donohue, Senator Walgren was excused. There being no objection, Senator Washington was excused.

The Color Guard, consisting of Pages Diane Brownlee and Tom Buffington, presented the Colors. Doctor Henry S. Rahn, pastor of the First Baptist Church of Olympia, offered the following prayer:

"ETERNAL GOD OUR FATHER, FROM WHOM WE COME, TO WHOM WE BELONG, AND IN WHOSE SERVICE IS OUR FULFILLMENT, AS WE COME TO THE END OF THIS WEEK, GRANT US THE COMMON SENSE TO PROFIT BY OUR YESTERDAYS, THE WISDOM TO LIVE AND SERVE TO THE UTMOST TODAY, AND THE VISION AND COURAGE TO COPE WITH OUR TOMORROWS. IN THY NAME WE PRAY. AMEN."

MOTION

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

REPORTS OF STANDING COMMITTEES

February 25, 1975.

SENATE BILL NO. 2454, directing the criminal justice education board and commission to establish minimum standards for recruitment of criminal justice personnel (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Fleming, Chairman; McDermott, North, Talley, Walgren.

Passed to Committee on Rules for second reading.

February 27, 1975.

SENATE BILL NO. 2656, requiring pricing of consumer commodities (reported by Committee on Commerce):

Recommendation: Do pass as amended.

Signed by: Senators Van Hollebeke, Chairman; Cunningham, Morrison, Peterson, Ridder.

Passed to Committee on Rules for second reading.

February 28, 1975.

SENATE BILL NO. 2690, authorizing three-quart milk containers (reported by Committee on Agriculture):

Recommendation: Do pass as amended.

Signed by: Senators Jolly, Chairman; Benitz, Day, Sellar, Wilson.

Passed to Committee on Rules for second reading.

February 28, 1975.

HOUSE BILL NO. 63, increasing penalty for violation of stock restricted area statutes (reported by Committee on Agriculture):

MAJORITY recommendation: Do pass.

Signed by: Senators Jolly, Chairman; Benitz, Day, Sellar.

Passed to Committee on Rules for second reading.

February 28, 1975.

SUBSTITUTE HOUSE BILL NO. 73, requiring poultry, turkey, food fish, shellfish, meat and meat food products to be labeled if they have been frozen (reported by Committee on Agriculture):

Recommendation: Do pass.

Signed by: Senators Jolly, Chairman; Benitz, Day, Sellar, Wilson.

Passed to Committee on Rules for second reading.

February 28, 1975.

HOUSE JOINT MEMORIAL NO. 9, memorializing Congress to give priority to completing the Columbia Basin project (reported by Committee on Agriculture):

Recommendation: Do pass.

Signed by: Senators Jolly, Chairman; Benitz, Day, Sellar, Wilson.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE HOUSE

February 28, 1975.

Mr. President: The House has passed ENGROSSED SUBSTITUTE HOUSE BILL NO. 111, and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

February 28, 1975.

Mr. President: The House has passed:

HOUSE BILL NO. 112,

ENGROSSED HOUSE BILL NO. 218,

HOUSE BILL NO. 230,

ENGROSSED HOUSE BILL NO. 278,

ENGROSSED HOUSE BILL NO. 305,

ENGROSSED HOUSE BILL NO. 310,

HOUSE BILL NO. 456,

HOUSE BILL NO. 461,

HOUSE JOINT MEMORIAL NO. 15,

HOUSE JOINT MEMORIAL NO. 16,

HOUSE JOINT MEMORIAL NO. 17, and the same are herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

INTRODUCTION AND FIRST READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 111, by Committee on Ways and Means (originally sponsored by Representatives Bagnariol, Pardini, Shinpoch, Flanagan and Randall) (by Executive request):

Adopting a supplemental budget.

Referred to Committee on Ways and Means.

HOUSE BILL NO. 112, by Representatives Bauer, Brown, Clemente, Laughlin and McKibbin (by Superintendent of Public Instruction request):

Abolishing the accumulated sick leave fund established in the office of the superintendent of public instruction.

Referred to Committee on Education.

ENGROSSED HOUSE BILL NO. 218, by Representatives Gaspard, Bausch and Hendricks (by State Employees' Insurance Board request):

Implementing law relating to the state employees' insurance board, including authorizing an added charge to premium contributions.

Referred to Committee on Financial Institutions.

HOUSE BILL NO. 230, by Representatives Douthwaite, Leckenby, Bender, Clemente and Dunlap (by Department of Highways request):

Authorizing the highway commission to establish equipment requirements for unsafe road conditions.

Referred to Committee on Transportation and Utilities.

ENGROSSED HOUSE BILL NO. 278, by Representatives Sommers, Shinpoch, Charnley, Kraabel, Matthews and North (by Department of Social and Health Services request):

Providing for nursing home accounting systems.

Referred to Committee on Social and Health Services.

ENGROSSED HOUSE BILL NO. 305, by Representatives Hansen, Patterson, Hurley (M), Perry, Bender, Clemente, Chandler, Boldt, Fortson, Gaines, Gilleland, Laughlin and Lee:

Staggering renewal date for motor vehicle registration.

Referred to Committee on Transportation and Utilities.

ENGROSSED HOUSE BILL NO. 310, by Representatives Chatalas, Curtis, Shinpoch and Polk (by Legislative Budget Committee request):

Prescribing allocation of revenue from test fishing operation.

Referred to Committee on Ways and Means.

HOUSE BILL NO. 456, by Representatives Zimmerman, Pardini, Luders, Matthews, Patterson, Tilly, Kilbury, Lee and Curtis (by Executive request):

Expanding definition of "public bodies" that can participate in water supply bonds.

Referred to Committee on Ecology.

HOUSE BILL NO. 461, by Representatives Clemente, Haussler, Moon, Flanagan, Martinis and King:

Authorizing public utility districts to collect local improvement assessments for operation and maintenance of street lights and other services.

Referred to Committee on Local Government.

HOUSE JOINT MEMORIAL NO. 15, by Representatives Bagnariol, Flanagan and Shinpoch:

Petitioning the President and the Director of the Office of Management and Budget to provide fiscal data to state legislatures on a systematic basis.

Referred to Committee on Ways and Means.

HOUSE JOINT MEMORIAL NO. 16, by Representatives Bagnariol, Flanagan and Shinpoch:

Petitioning Congress to establish a clearing house for federal budget information necessary for formulation of state budgets.

Referred to Committee on Ways and Means.

HOUSE JOINT MEMORIAL NO. 17, by Representatives Bagnariol, Flanagan and Shinpoch:

Petitioning the President to assist in the establishment of continuing working relationships between state legislatures and federal departments and agencies.

Referred to Committee on Ways and Means.

MOTIONS

On motion of Senator Mardesich, Senate Bill No. 2048 was placed on the second reading calendar following consideration today of Senate Bill No. 2048.

On motion of Senator Odegaard, Senate Bill No. 2093 was ordered to hold its place on the second reading calendar for Monday, March 3, 1975.

SECOND READING

SENATE BILL NO. 2350, by Senators Walgren, Bottiger, Guess, Knoblauch, Beck and Sellar:

Defining bicycles as vehicles for purposes of "Rules of the Road".

REPORT OF STANDING COMMITTEE

February 18, 1975.

SENATE BILL NO. 2350, defining bicycles as vehicles for purpose of "Rules of the Road" (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 19 after "propelled" and before "by" strike "exclusively".

On page 2, beginning on line 2 and before "for" insert "only".

Signed by: Senators Walgren, Chairman; Beck, Bottiger, Guess, Jolly, Knoblauch, Morrison, Peterson, Sellar.

The bill was read the second time by sections.

On motion of Senator Bottiger, the committee amendments were adopted.

On motion of Senator Bottiger, the rules were suspended, Engrossed Senate Bill No. 2350 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. 2350, and the bill passed the Senate by the following vote: Yeas, 41; absent or not voting, 1; excused, 7.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Wilson, Woody—41.

Absent or not voting: Senator Scott—1.

Excused: Senators Buffington, Grant, Guess, McDermott, Stortini, Walgren, Washington—7.

ENGROSSED SENATE BILL NO. 2350, having received the 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 Francis, Senate Bill No. 2230 was ordered placed at the beginning of the second reading calendar for Monday, March 3, 1975.

On motion of Senator Mardesich, Senate Bill No. 2276 was re-referred to the Committee on Rules.

SECOND READING

SENATE BILL NO. 2233, by Senators Marsh, Francis and Clarke:
Amending laws relating to dissolution of marriage.

REPORT OF STANDING COMMITTEE

February 14, 1975.

SENATE BILL NO. 2233, amending laws relating to dissolution of marriage (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendment:

On page 4, line 10 after "marriage" strike all matter down through "entered," on line 12 and on line 13 after "residing," and before "or" insert "*or in the court in which said final order, judgment, or decree was entered,*"

Signed by: Senators Francis, Chairman; Bottiger, Buffington, Clarke, Fleming, Jones, Marsh, Scott, Van Hollebeke, Woody.

The bill was read the second time by sections.

On motion of Senator Marsh, the committee amendment was adopted.

On motion of Senator Marsh, the rules were suspended, Engrossed Senate Bill No. 2233 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Walgren: "Will Senator Marsh yield to a question? Senator Marsh, the current law relating to jurisdiction for commencement of an action requires that the action be commenced in the county wherein the defendant resides. One of the problems in the dissolution statute is that in past practice we were able to commence an action where the defendant resided or where the plaintiff resided, and of course where there are minor children involved it might be very important that that action do commence where the plaintiff resides. Has that been clarified in this particular bill?"

Senator Marsh: "No, it has not. As far as venue is concerned, this act provides that you can bring such action in the court in which said final order, judgment or decree was entered, and that is on page 4 of the bill, Senator Walgren, lines 11 and 12; or where the minor children are then residing; or in the county where the parents or other person who has the care, custody or control of such children is then residing. The change as far as venue is concerned simply points out that you can bring it where the final order, judgment or decree was entered. But we have not made any change in the existing act as far as bringing it where the minor children are residing or where the other person who has the care, custody or control of the child is residing."

Senator Walgren: "Senator Marsh, was that particular question addressed at the time this bill was considered?"

Senator Marsh: "There was some discussion among attorneys. It was not discussed to my knowledge in the committee. I know there was some discussion outside of committee and the decision was made not to attempt to change it."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2233, and the bill passed the Senate by the following vote: Yeas, 43; excused, 6.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Wilson, Woody—43.

Excused: Senators Buffington, Grant, Guess, McDermott, Stortini, Washington—

6.

ENGROSSED SENATE BILL NO. 2233, having received the constitutional ma-

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. 2048, by Senators Knoblauch, Wanamaker, Bailey, Jones and Beck (by request of Committee on Parks and Recreation of the Forty-third Legislature):
Revising laws on boating.

MOTIONS

On motion of Senator Knoblauch, Second Substitute Senate Bill No. 2048 was substituted for Senate Bill No. 2048 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Wanamaker, the following amendments were adopted:

On page 7, line 30, after "time" and before the comma insert "under this chapter".

On page 9, beginning on line 18, after "fee" strike all the matter down to but not including the semicolon on line 19.

On page 9, line 21, after "property" insert "taxes".

Senator Wilson moved adoption of the following amendment:

On page 7, line 21, after "council" and before the period insert: " : PROVIDED, HOWEVER, That twenty-five percent of all fees collected in the boating safety account and deposited with the state treasurer in that account shall be distributed by the Washington marine council to local law enforcement agencies for the enforcement of rules and regulations relating to boating safety laws".

POINT OF INQUIRY

Senator Day: "Will Senator Wilson yield to a question? Senator Wilson, you allude in your amendment to local law enforcement agencies. Now is that defined in the act, because I can see the city of Spokane getting a chunk of the money and the county sheriff's office is the one that gets the job. Should not that properly say 'to the county sheriffs or other proper county authorities' or something rather than local law enforcement agencies?"

Senator Wilson: "Senator Day, you may have a valid point, although it was not my intention to tie the commission down any more than is necessary and it would seem to me that if the allocation of a proportion of the funds were mandated, I would simply have reason to believe that the commission would allocate those monies in as sensible and logical a way as it could determine."

Senator Day: "Mr. President and Senator Wilson and members, the way I read this, it says 'in that account shall be distributed by the Washington Marine Council to local law enforcement agencies for the enforcement,' etc. Now it would appear to me that if some local law enforcement agency did not get their share and they could prove there was one boat in the city of Spokane that they should inspect or something or that the Spokane River, which has a couple of boats on it, needs policing, that they probably could come in and demand their share of the revenue, and I would think that would be improper because I know that at least ninety-five percent of this in our county will be left up to the sheriff's office."

MOTION

Senator Rasmussen moved that further consideration of Second Substitute Senate Bill No. 2048, together with the adopted amendments and the pending amendment by Senator Wilson, be held for Monday, March 3, 1975.

POINT OF ORDER

Senator Bailey: "It is not quite proper in a motion like this to get up and argue all portions of the bill, especially when you are against the bill and do not want to face the fact that a sponsor of the bill has not even spoken yet and could answer some of these questions properly put, probably. But I think this committee has worked a long time. I

have not been on it, but they have worked a long, long time, over three or four years, and had testimony from all these people and if we are going to have argument on the bill, I think it is perfectly proper and perfectly in order then to call on Senator Wanamaker or someone who knows what the bill is about, because it has been before us for about six or seven years."

RULING BY THE PRESIDENT

The President: "Senator Bailey's point of order is well taken. Senator Rasmussen, would you please confine your remarks to the motion."

POINT OF INQUIRY

Senator Rasmussen: "Senator Bailey, would you yield to a question please on your — the President has already rendered your point of order, but I have a question that I would like to ask you if you would yield."

Senator Bailey refused to yield.

Senator Rasmussen: "It is very obvious, Mr. President, that Senator Bailey has leaped to the conclusion and has not read the bill and that is all that I would like to take a look at."

Debate ensued.

The President declared the question before the Senate to be the motion by Senator Rasmussen that further consideration of Second Substitute Senate Bill No. 2048 be held for Monday, March 3, 1975.

The motion by Senator Rasmussen failed on a rising vote.

POINT OF INQUIRY

Senator Francis: "Will Senator Knoblauch yield to a question?"

Senator Knoblauch: "I will with the understanding that if it is a technical question I am going to refer to Senator Wanamaker."

Senator Francis: "Senator Knoblauch, the mail that I get which is opposed to this bill tells me that this bill is going to somehow or other reduce the cost or the taxes paid by boat owners, and I just want to know if that is true. I mean, I do not understand much of this bill, but I want to know whether this is letting boat owners off the hook as far as carrying a proportionate share of the taxes, or are they going to be paying more or less?"

Senator Wanamaker: "Mr. President, are we still working on Senator Wilson's amendment or . . ."

REPLY BY THE PRESIDENT

The President: "The question is the adoption of the amendment proposed by Senator Wilson."

Senator Wanamaker: "Are we still talking about his amendment?"

The President: "Yes, Senator."

Senator Wanamaker: "Are you talking on the amendment then, or the bill?"

Senator Francis: "I think that my question is relevant to the amendment, Senator Wanamaker. Are you offering to answer the question?"

Senator Wanamaker: "Yes. The problems we have had with boating bills in the past, and as you know, they have been around here for many years, is that we have tried to put together a tax bill and run it under the guise of a boating safety bill. This we tried to run as a boating safety bill. As you notice in there, the tax on these boats is very minimal and our feeling was that this is the way we should go with this bill. If you want a tax bill, that should be a separate issue. And if you want to tax boats, then you should run a tax bill on boats and run it separate, not in connection."

Senator Francis: "Senator Wanamaker, that was not my question. I was not asking whether we should tax or not. I am asking whether this bill will result in reducing the amount of taxes paid by boat owners."

Senator Wanamaker: "No, it will not, because — in a way it will, yes, because they should be paying a personal property tax now. It is on the books that they pay a personal property tax, which in many counties is too cumbersome, and they are not collecting.

This puts it under a different concept, a different form, and therefore everybody will be paying their titling fee and registration fee."

Senator Francis: "Are you saying then that this ends that personal property tax, substitutes a registration, and that you do not know whether or not that registration is going to be equal to, or more than, what they have been paying as a personal property tax?"

Senator Wanamaker: "We cannot get a figure on it because we cannot get a figure from revenue as to what counties are doing. That is right. We do not know because nobody knows how many boats there actually are in the state of Washington."

Senator Francis: "Mr. President, I suppose I should have been talking to Senator Rasmussen's motion then. It would seem to me that we do not have the answers that we need before we can vote on this. It also seems that this is going to have quite a bit of fiscal impact and we are not being told here what the fiscal impact is going to be."

Senator Wanamaker: "We have tried, Senator Francis, to get it, and I think Senator Donohue has run it through Ways and Means and through the Revenue Department, and I see he is off the floor now, but he could probably give you the information as to what the revenue impact is, as near as we can come."

Senator Bottiger: "Senator Wanamaker, maybe I can rephrase that question. As I understand this bill, if this bill passes and becomes law and you pay your registration fee under this bill, you are then exempt from the existing personal property tax. Is that correct?"

Senator Wanamaker: "That is right."

POINT OF INQUIRY

Senator Walgren: "Will Senator Knoblauch yield to a question please? Senator Knoblauch, I note on the material that was handed out to all of us this morning that there are a number of letters that are in support of the bill as it has been set forth. The Ellensburg Boat Club has indicated its support."

POINT OF ORDER

Senator Clarke: "Shouldn't we dispose of the pending motion before we argue various other points of the bill? I hesitated to interfere with legitimate questions, but we do have an amendment pending which I think should be disposed of, so my point of order is that I do not believe that Senator Walgren is speaking to that amendment."

RULING BY THE PRESIDENT

The President: "Senator Clarke's point is well taken. The question is the adoption of the amendment by Senator Wilson."

Further debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Mr. President, I would like to ask somebody a question. Senator Clarke, Senator Wanamaker, would you yield? I had a chance while the debate was going on to take a look at this Section 16, 'Any person convicted of violation of Section 14 of this act shall be punished by a fine of not less than fifty nor more than five hundred dollars or imprisonment not to exceed six months or both.'"

POINT OF ORDER

Senator Clarke: "I think we should dispose of the pending amendment."

Senator Rasmussen: "Mr. President, I do not understand his unseemly hurry for the reason that Senator Wilson has a very appropriate amendment that he has offered which is saying that twenty-five percent of the funds collected should go back to the local source for the enforcement. For Senator Clarke's information, my question to Senator Clarke and he refused to take it and fielded it to Senator Wanamaker was: under this enforcement section you are charging the local enforcement people with preparing the case and subjecting this violator of Section 2 to up to a five hundred dollar fine. Now if you are going to make the local enforcement people do something like this, but I would call your attention to Section 14 where you are directing — Senator Clarke, if you

would give me time I would call your attention to this. 'The operator of a vessel including one otherwise exempted involved in a collision, accident or other casualty to the extent he can do so without serious injury to his own vessel or person shall render all practical and necessary assistance to persons affected.' It is going to take a determination of somebody that whether or not he can do this. And if he does not do it, he is going to be subject to a five hundred dollar fine. There are a number of questions that, Senator Wanamaker, could you answer that? And why do you object to the money going back to the local source that is going to have to do all the enforcing? Senator Clarke, you already yielded to Senator Wanamaker."

Senator Clarke: "I was going to attempt to answer."

Senator Wanamaker: "I will yield to Senator Clarke now."

Senator Rasmussen: "You fellows are making me dizzy. I just want to know what is in the bill."

Senator Clarke: "Very well, Senator. I will attempt to answer your question. I think that the point that you are making relates to general enforcement of criminal provisions which have always been the obligation of the proper enforcement officers. Now, every time we create, in effect, in the criminal code a new type of crime, we do not then endeavor to in effect in that act provide for some specific method of funding enforcement. I think we have a right to feel that when we are funding our enforcement officers we are funding them generally to enforce such laws as we may pass here. So I do not have the concern that you do. I will say, however, and I said in my previous remarks with respect to Senator Wilson's amendment, that it is probably intended, as a matter of fact, the bill specifically states that a portion of this fund shall be used for local law enforcement. And it allows and directs the commission to in effect utilize the funds and allocate them for that purpose. So I think that your questions are well taken care of in the bill, Senator."

Senator Rasmussen: "Thank you, Senator Clarke."

Further debate ensued.

POINT OF INQUIRY

Senator Morrison: "Would Senator Wanamaker yield to a question? Senator Wanamaker, is it possible that under the bill as it is before us, even without the Wilson amendment, that more than twenty-five percent might be distributed in some counties? We have some particular problems in Eastern Washington with this where we might in fact need over one hundred percent of the money raised in that particular county for law enforcement agencies within the county."

Senator Wanamaker: "As the bill is now, yes, it is up to the Council to put the money where the need is and they could put the hundred percent over there if the need was there and they so determined."

Further debate ensued.

Senator Morrison moved adoption of the following amendment to the amendment by Senator Wilson:

On the first line of the amendment before "twenty-five" insert "at least".

Debate ensued.

Senators Knoblauch, Talley and Bailey demanded the previous question, and the demand was sustained.

The President declared the question before the Senate to be the amendment by Senator Morrison to the amendment by Senator Wilson.

The motion by Senator Morrison failed and the amendment to the amendment was not adopted.

The President declared the question before the Senate to be the amendment by Senator Wilson.

Debate ensued.

POINT OF INQUIRY

Senator Woody: "Will Senator Wanamaker yield? I was going to ask a question. Before I can determine whether or not twenty-five percent can be taken legitimately from these funds, before I can determine whether or not there is sufficient money in the

fund in order to take twenty-five percent of it for those purposes, I have to know first how much money is anticipated will be brought in annually under this registration system. Second, what the administration costs are so that I can subtract the latter from the former."

Senator Wanamaker: "First you must realize, Senator Woody, that we cannot give you an exact figure because we do not know exactly how many boats there are in the state. As near as we could anticipate and as near as Revenue could figure that it would take in approximately a million and a half dollars annually. Out of this, and we got our figures on the operation of the Council and so forth out of Oregon where they already have a boating safety law and a commission set up, that it would cost somewhere from three to five hundred thousand to operate it. The balance would be going into boating safety law enforcement and those activities."

Senator Woody: "Then I can assume from those figures, a million five hundred in and maybe five hundred thousand out, that there could be twenty-five percent of the million five available for the purposes that Senator Wilson suggests in his amendment?"

Senator Wanamaker: "There could be, but you are tying it, that twenty-five percent, and at the discretion of the Council they could give the full million if it was necessary to give it in there. So I think that it is foolish and I think we should leave it up to the Council to make that determination."

Debate ensued.

POINT OF INQUIRY

Senator Woody: "Would Senator Wilson yield? The second concern I have, and I have to ask you this question because you are the proponent of the amendment, and that is: Of the three hundred and seventy-five thousand which is, of course, the assumption figure that amounts to twenty-five percent of one million five hundred, how do we determine which local enforcement agencies get how much? Are we going to do it on the basis of per capita distribution or a first come first served, or what?"

Senator Wilson: "In reply to your question, the amendment specifically does not include a formula for allocation so that the commission could enjoy the widest possible or complete discretion in how the law enforcement money would be used. I would like to point out that the act as it stands without this amendment includes an optional use of a portion of the funds for law enforcement and it does not set forth a formula in the act as to how much has to go to which counties. Nor does the amendment. In other words, with respect to what Senator Day was talking about as well as yourself, there are no specific directions or mandates regarding the allocation of law enforcement funding in the bill without the amendment any more than there would be in the bill with the amendment."

Senator Woody: "Thank you, Senator Wilson. That is the first time I have seen a legislator from Omak helping King County."

The motion by Senator Wilson failed and the amendment was not adopted on a rising vote.

POINT OF INQUIRY

Senator Mardesich: "I wonder if Senator Wanamaker would yield to a question? Senator Wanamaker, I am gathering from a rapid reading of this measure that it applies to all vessels operated in the waters of the state, whether documented by federal law or not, provided they are in this state's waters for in excess of ninety days. Am I correct in that assumption?"

Senator Wanamaker: "That is right."

Senator Mardesich: "Would that then mean that in addition to the federal registration in complying with the federal law the commercial vessels would have to comply with the rules and regulations of this board or commission?"

Senator Wanamaker: "They would be registered. However, they would not be titled because they are already titled under their federal documentation."

Senator Mardesich: "Would they have to comply with the rules and regulations adopted by this board then?"

Senator Wanamaker: "They would, but that would also be in compliance with the Coast Guard rules and in compliance with the boating safety act, the federal act of 1971."

Senator Mardesich: "I understand that, but with respect to operations of commercial vessels, what type of regulations would they be authorized to make?"

Senator Wanamaker: "I do not think it would make a bit of difference because they would still, and it is also in the bill that the Council would have to be in conformity with the federal regulations."

Senator Mardesich: "With respect to safety. But I am asking about the operation as distinguished from safety."

Senator Wanamaker: "Personally, I can see no difference, Senator, but I. . . ."

Senator Mardesich: "I look to page 4, line 25 where it provides that no local authority shall enact any regulation governing the equipment of vessels, their licensing and so on, but it does not say that they cannot make rules and regulations with respect to the operation. And there is a very distinct difference between operation and safety regulations. What if this board decides that no commercial fishing vessel shall fish within one mile of the shores of the land outside of its jurisdiction?"

Senator Wanamaker: "I think that is a good question and that is why this section was put in there. It was not put in there in reference to fishing vessels because we have it down there, 'approval of the council'. The reason for this being put in was that in some lakes in Eastern Washington, the smaller lakes, the county wants to regulate the speed."

Senator Mardesich: "I understand all that."

Senator Wanamaker: ". . . they would not have that authority."

Senator Mardesich: "Where is the prohibition against such authority? It says further that the Council, among its duties, on page 6, line 19, shall prepare, adopt, administer, among other things, for the enhancement of boating, recreational boating. They may do such things for the enhancement of recreational boating as they deem fit. Now, that could involve 'the operation' of vessels. Take the San Juan Islands, within one mile of the shores of the lands of San Juan County. If the people in San Juan County or this board decided that they did not want commercial fishing within one mile of the shores of the San Juan Islands, you would destroy the commercial fishery of the state. . . . are supposed to do things necessary to enhance recreational boating and they might deem that that is a suitable method or a suitable adjunct or a suitable benefit of recreational boating."

Senator Wanamaker: "Well, it certainly was not the intent of this bill to get into the. . . ."

Senator Mardesich: "I am sure it was not."

Senator Wanamaker: "If you can propose an amendment to exempt fishing boats out of there, I would certainly be willing to accept it."

Senator Mardesich: "I am sure it was not, but then at the same time I thought that is what they might have in mind and I looked to Section 7, the Council, so I thought well maybe we have some representation there and I note that there is not one commercial vessel owner on this commission. What would be the representation of the commercial fishery which has over three thousand vessels in the waters of the state with respect to this bill?"

Senator Wanamaker: "There would be no objection. It is just simply one of those things that did not come up at our hearings and we were dealing solely in recreational boating. We were not getting into the fishing industry and so if there is a question on that, it was inadvertent, actually not thought of at our hearing."

Senator Mardesich: "I am not even so sure that they could not go so far as to regulate the fishing within the waters of the state, in conflict perhaps with the Department of Fisheries, but nevertheless, what is the prohibition?"

Senator Wanamaker: "The prohibition, as we understood it when we were drawing up the bill, was that we were dealing solely in recreational boating, not in commercial."

Senator Mardesich: "I understand that, Senator Wanamaker, but I see no restrictions with respect to operation of such commercial fishing vessels."

Debate ensued.

POINT OF INQUIRY

Senator Marsh: "Mr. President, I wonder if this would be a proper time to ask Senator Wanamaker if he would yield to two questions about the bill because they might develop possible amendments. Senator Wanamaker, what section of the bill requires a boat owner to annually register and to pay an annual registration fee? I see in Section 12 a schedule of annual registration fees, but I do not see any section in the bill that requires the boat owner to annually register and to pay. It just says if he pays, he shall pay the following rates."

Senator Wanamaker: "I do not know exactly which section that is in that they pay an annual fee, but I am sure it is in here, Senator. You would have to give me a chance to look for it."

Senator Marsh: "I wonder if there is anyone else who is familiar with the bill who can point to that section."

Senator Clarke: "Mr. President, responding, I cannot point to the section but I do call your attention to the general provision, Section 4 on page 3 which in effect says it is unlawful to operate any vessel without a current registration number, so that unless they had a current registration number for which they would, of course, have to pay the annual fee, it would be unlawful to operate the vessel."

Senator Marsh: "Section 4, of course, does not say that they have to pay an annual registration fee and that is my point. Nowhere in the bill, and I have read it about three times now, can I find any language which requires the boat owner to annually register and to annually pay. Section 4 says you cannot operate without certificate of number, but it does not require you to register. It does not require you to pay."

POINT OF INQUIRY

Senator Marsh: "Senator Wanamaker, I have a second question. Where in the bill are rowboats exempted from paying a registration fee if anybody is required to pay registration fees? I look at Section 12 which sets up the rate structure and subsection (1) which appears to be most pertinent says 'vessels under twenty feet in length having propulsion machinery of less than five horsepower.' I submit that a rowboat is a vessel under twenty feet that has propulsion of less than five horsepower, and unless you can point to some specific exemption, I think rowboats would fall under that section and have to pay a fee if anybody is required to pay fees."

Senator Wanamaker: "Under the exemption section, Senator, it says that boats under twenty feet without power are exempt from the act."

Senator Marsh: "Would you give me page and line please?"

Senator Wanamaker: "It is on page 4, subsection (6) 'under twenty feet in length without any propulsion machinery' which is in the exemption section."

Senator Marsh: "Senator Wanamaker, as I read that, subsection (5) merely exempts you from having a certificate of number. It does not exempt you from paying a registration fee."

Senator Wanamaker: "You have to pay the registration fee to have your certificate of number."

Senator Marsh: "That is not stated anywhere in the bill, unless you can show me the language."

Senator Wanamaker: "On Section 12, 'the annual registration fee for vessels under this act shall be as follows:'"

Senator Marsh: "I understand that. That gets to my first question. What in the act requires you to pay an annual registration fee? This merely sets up the schedule of rates. It does not require you to pay it. It does not say anywhere, 'An owner of a boat shall annually pay a registration fee.'"

Senator Wanamaker: "Well, it says, Section 12, 'the annual registration fee'. It would not be annual if it was not to be every year."

Senator Marsh: "I really think there is something missing. There should be some compulsion somewhere, if that is your intention, to require the payment of a fee."

Senator Clarke: "I think, Senator, you will find the reason it is worded that way is

that there is no requirement that you pay the fee unless you operate the vessel. You see, there is a prohibition that I cited you previously against operating a vessel without having paid the fee. Then there is a provision as to how much the annual fee will cost you. However, if you elect not to pay this fee, I think it is quite true that if you want to put your boat in storage and leave it there for a year or two, then you do not have to pay the fee. I think that in reality is the answer to the question that you are asking."

Senator Marsh: "Mr. President, if I might respond, if I were a boat owner and I went down and asked for a certificate of number and someone asked me to pay an annual registration fee, I would ask him to point to the section of the law that required me to pay the annual registration fee. And again I say, show me the language in the law that requires me to pay an annual registration fee if I want to operate a boat."

POINT OF ORDER

Senator Bailey: "Mr. President, this is not in order. I raise the point of order that if it is not in there, Senator, you should submit an amendment to put it in there. To argue about something that is not in the bill when it is not even before us is out of order."

RULING BY THE PRESIDENT

The President: "Senator Bailey's point is well taken."

MOTION

Senator Marsh moved that further consideration of Second Substitute Senate Bill No. 2048, together with the adopted amendments, be held for Monday, March 3, 1975.

Debate ensued.

The motion by Senator Marsh carried. Second Substitute Senate Bill No. 2048, as amended, was ordered placed on the second reading calendar for Monday, March 3, 1975.

SECOND READING

SENATE BILL NO. 2072, by Senators Bottiger, Scott and Woody:
Authorizing recording of communications in certain situations.

REPORT OF STANDING COMMITTEE

February 18, 1975.

SENATE BILL NO. 2072, authorizing recording of communications in certain situations (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendments:

Beginning on page 2, line 11, strike the remainder of the bill.

In line 1 of the title, after "conversations;" insert "and" and in line 3 after "9.73.030" strike the remainder of the title down through "62A.2-209" on line 8.

Signed by: Senators Bottiger, Buffington, Clarke, Jones, Scott, Van Hollebeke.

The bill was read the second time by sections.

On motion of Senator Francis, the committee amendment was adopted.

Senator Bottiger moved adoption of the following amendment:

On page 1, line 29, after "conversation" strike "will" and insert "is about to" and after "transmitted" and before the period insert "": *PROVIDED, That if the conversation is to be recorded that said announcement shall also be recorded*".

POINT OF INQUIRY

Senator Lewis (Harry): "Would Senator Bottiger yield? Senator Bottiger, is it your understanding that the language on line 26, including your amendment and that entire underlined language as amended would then require that the announcement that the conversation is to be recorded would be made prior to the recording of the conversation?"

Senator Bottiger: "That is my understanding, Senator Lewis. If I could use an example, if you and I were having a conference and I punched a button and said,

'Harry, I think we ought to tape this,' and that announcement appears on the tape recording, then if the conversation continued it would be implied I had your consent."

Senator Lewis (Harry): "What I am trying to get to is, this would not have effect if you announced that it was to be recorded after the conversation was recorded. Is that clear?"

Senator Bottiger: "Yes, that is clear."

POINT OF INQUIRY

Senator Sandison: "Will Senator Bottiger yield to a question? I am not completely clear because I do not know what the federal communication act is. If the telephone company was doing this, because they are in interstate commerce, does that affect this at all or are they exempt from this portion?"

Senator Bottiger: "Senator Sandison, my understanding is that this amendment will bring our law into compliance with the federal law which does not require consent, only requires knowledge that the conversation is being recorded."

Senator Sandison: "Okay."

The motion by Senator Bottiger carried and the amendment was adopted.

On motion of Senator Bottiger, the committee amendment to the title was adopted.

On motion of Senator Bottiger, the rules were suspended, Engrossed Senate Bill No. 2072 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 Woody: "Would Senator Bottiger yield? I want to establish legislative intent for something that Senator Van Hollebeke just raised with me and I am thinking back to that case in Seattle where the fellow had a tape recording device on his person when he was terminated. That recording, as I recall, was admitted into evidence?"

Senator Bottiger: "Yes."

Senator Woody: "Is it your legislative intent or was it the intent of either you as the sponsor or the committee in determining this, that in the event a tape recording was made by a person in a situation such as that and did not obtain the consent either under the existing law or by your amendment that that would not be admissible into evidence?"

Senator Bottiger: "I do not have any intent to affect that court decision on the admissibility in any way. I am not quite sure how it was admissible, but it is not the intent of this bill to change or modify that ruling."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2072, and the bill passed the Senate by the following vote: Yeas, 40; nays, 3; excused, 6.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Clarke, Cunningham, Day, Donohue, Francis, Goltz, Gould, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, Wanamaker, Wilson, Woody—40.

Voting nay: Senators Fleming, von Reichbauer, Walgren—3.

Excused: Senators Buffington, Grant, Guess, McDermott, Stortini, Washington—6.

ENGROSSED SENATE BILL NO. 2072, having received the 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. 2026, by Senators Walgren, Beck, Jones, Talley and Goltz: Exempting inventory of sheltered workshops from property taxation.

The bill was read the second time by sections.

On motion of Senator Walgren, the rules were suspended, Senate Bill No. 2026 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. 2026, and the bill passed the Senate by the following vote: Yeas, 43; excused, 6.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Wilson, Woody—43.

Excused: Senators Buffington, Grant, Guess, McDermott, Stortini, Washington—6.

SENATE BILL NO. 2026, having received the 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 Lewis (Harry): "I wonder if Senator Walgren would yield to a question? Senator Walgren, I have been reading and re-reading this language in Senate Bill No. 2026, and I want to pose a theoretical question for you as to what the language would mean."

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Bottiger moved that the Senate do now reconsider the vote by which Senate Bill No. 2026 passed the Senate.

POINT OF ORDER

Senator Marsh: "Isn't there an easier way to do this simply by suspending the rules and asking that the question be inserted in the Journal and the answer?"

RULING BY THE PRESIDENT

The President: "Senator Marsh's point is well taken."

Senator Bottiger: "I withdraw my motion."

The President: "If there are no objections, the motion to reconsider is withdrawn. If there are no objections, the question and the answer will be recorded in the Journal."

POINT OF INQUIRY

Senator Lewis (Harry): "Senator Walgren, under the terms of Senate Bill No. 2026 just passed by the Senate, I am wondering how the language would be interpreted under legislative intent under the following situation. Assume that I were to purchase a million board feet of lumber and have it shipped to a sheltered workshop for manufacture or work to be done with that lumber under a contract or for another purpose for my interest; could that inventory of lumber held by the sheltered workshop be included under the terms of Senate Bill No. 2026?"

Senator Walgren: "It would be my intent, and I would trust the intent of the legislature, that it would not be exempt."

POINT OF INQUIRY

Senator Bottiger: "Mr. President, under the same suspension, I would like to ask Senator Woody to yield to a question. Senator Woody, under the provisions of this bill, would it be your interpretation of the intent of the legislature that someone could purchase a piece of expensive machinery in the name of a sheltered workshop and then enter into a lease-back arrangement with that sheltered workshop in order to escape the inventory and personal property tax on that machinery?"

Senator Woody: "It would be my understanding that it would not, but in order to establish legislative intent and since I am not the sponsor and was not on the committee, I think that Senator Walgren ought to answer that."

Senator Walgren: "Responding to Senator Bottiger's question, it is my intent as the sponsor, and I would believe the intent of the legislature, that there would be no escape of the taxation in that circumstance."

SECOND READING

SENATE BILL NO. 2252, by Senators Henry, Wanamaker, Guess and Stortini (by Department of Highways request):

Designating state highway routes.

MOTIONS

On motion of Senator Walgren, Substitute Senate Bill No. 2252 was substituted for Senate Bill No. 2252 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Walgren, the rules were suspended, Substitute Senate Bill No. 2252 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. 2252, and the bill passed the Senate by the following vote: Yeas, 43; excused, 6.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Wilson, Woody—43.

Excused: Senators Buffington, Grant, Guess, McDermott, Stortini, Washington—6.

SUBSTITUTE SENATE BILL NO. 2252, having received the 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 Mardesich, the Senate advanced to the eighth order of business.

On motion of Senator Mardesich, Senate Resolutions 1975-15 and 16 were ordered held on the eighth order of business for Tuesday, March 4, 1975.

At 12:02 p.m., on motion of Senator Mardesich, the Senate adjourned until 10:00 a.m., Monday, March 3, 1975.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

FIFTIETH DAY**MORNING SESSION**

Senate Chamber, Olympia, Monday, March 3, 1975.

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 Bottiger, Buffington, Fleming, Grant, Guess, Herr, Keefe, Scott and Washington. On motion of Senator Knoblauch, Senators Bottiger, Fleming, Grant, Herr, Keefe and Washington were excused. On motion of Senator Lewis (R. H. "Bob"), Senators Buffington and Guess were excused.

The Color Guard, consisting of Pages Kendra Crogan and Jeff Brandenburg, presented the Colors. Reverend David Krantz, Associate Minister of Associated Churches of Olympia, offered the following prayer:

"O LORD, WE ARE HERE AND IT'S MONDAY, FILLED WITH ITS SCHEDULES TO KEEP, MEETINGS TO ATTEND, ANXIETIES ABOUT WHAT MAY HAPPEN IN THE DAYS AHEAD, ITS WORRIES AND ITS FEARS, ITS BLEARY EYES AND NERVOUS HANDS, ITS DEEP BREATHS AND ITS DOGGED DETERMINATIONS. IT IS MONDAY, LORD, AND WE PAUSE BEFORE THE ONSLAUGHT OF ACTIVITIES AND DECISIONS TO PAUSE, TO PAUSE TO SAY THANKS, THANKS FOR THE BRIGHTNESS OF THE SUNSHINE THAT LIFTS OUR SPIRITS, THAT FOR BEING, JUST BEING ALIVE, BREATHING, STANDING, TALKING, THANKS FOR THE POSITIONS WHICH WE HOLD, THE TRUST THAT WE BEAR, THE OPPORTUNITIES WE SHARE, AND THANKS THAT IN YOUR MYSTERIOUS PLAN FOR LIFE WE HAVE MOMENTS WHEN WE RISE ABOVE THE PETTINESS OF THE MUNDANE ORDER TO LOVE AND HOPE AND REJOICE. BE WITH US WE PRAY, EXTEND OUR MINDS AND ENLARGE OUR PERSPECTIVES THAT WE MIGHT SEE THE LARGER PICTURE. HELP US FEEL THE STRENGTH OF OUR TRADITIONS, THE DEPTH AND RICHNESS OF OUR ROOTS AND OPEN FOR US THE ONGOING PROCESS OF THE FUTURE, THE VISIONS OF HOPE AND THE PROMISES OF JUSTICE FOR ALL YOUR PEOPLES. LORD, OF ALL TIMES, GRANT THAT WE MIGHT USE OUR BRIEF MOMENTS OF TIME TO SERVE THE HIGHER PURPOSE, AND WALK THE HIGHER ROAD HONORING OUR PAST, CHERISHING OUR PRESENT AND NURTURING OUR FUTURE AND THE FUTURE OF THOSE WHO FOLLOW ON THIS WAY. AMEN."

MOTION

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

MOTIONS

On motion of Senator Mardesich, consideration of Senate Bill No. 2230 will commence following consideration of Senate Bill No. 2249.

On motion of Senator Mardesich, consideration of Senate Bill No. 2093 will commence following consideration of Senate Bill No. 2230.

On motion of Senator Mardesich, consideration of Senate Bill No. 2210 will commence following consideration of Senate Bill No. 2093.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of Senate Bill No. 2249.

SECOND READING

SENATE BILL NO. 2249, by Senators Woody, Clarke and Walgren (by State Treasurer request):

Providing for the qualification and regulation of public depositaries.

MOTIONS

On motion of Senator Woody, Substitute Senate Bill No. 2249 was substituted for Senate Bill No. 2249, 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. 2249 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. 2249, and the bill passed the Senate by the following vote: Yeas, 39; absent or not voting, 2; excused, 8.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Clarke, Cunningham, Day, Donohue, Francis, Goltz, Gould, Henry, Jolly, Jones, Knoblauch, Lewis (Harry), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Wilson, Woody—39.

Absent or not voting: Senators Lewis (R. H. "Bob"), Scott—2.

Excused: Senators Bottiger, Buffington, Fleming, Grant, Guess, Herr, Keefe, Washington—8.

SUBSTITUTE SENATE BILL NO. 2249, having received the 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 Mardesich, the Senate commenced consideration of Senate Bill No. 2137.

SECOND READING

SENATE BILL NO. 2137, by Senators Matson, Jolly and Donohue:
Making certain changes in the laws relating to vehicle tonnage fees.

MOTIONS

On motion of Senator Walgren, Substitute Senate Bill No. 2137 was substituted for Senate Bill No. 2137, and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Matson, the rules were suspended, Substitute Senate Bill No. 2137 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. 2137, and the bill passed the Senate by the following vote: Yeas, 41; excused, 8.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Henry, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Wilson, Woody—41.

Excused: Senators Bottiger, Buffington, Grant, Guess, Herr, Keefe, Scott, Washington—8.

SUBSTITUTE SENATE BILL NO. 2137, having received the 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 Mardesich, the Senate commenced consideration of Senate Bill No. 2070.

SECOND READING

SENATE BILL NO. 2070, by Senators Francis, von Reichbauer and Ridder (by Department of Labor and Industries request):

Revising regulations and payments to victims of crimes.

REPORT OF STANDING COMMITTEE

February 12, 1975.

SENATE BILL NO. 2070, revising regulations and payments to victims of crimes (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, line 24, after "who" and before "lives" strike "lives in this state and intends to do so indefinitely." and insert "has been in this state for thirty days or has clearly signified an intent to remain in this state for at least thirty days."

On page 3, line 35, after "of the spouse of" and before "the victim" insert "or sibling of the spouse of".

Signed by: Senators Francis, Chairman; Bottiger, Clarke, Jones, Van Hollebeke, Woody.

The bill was read the second time by sections.

Senator Francis moved adoption of the committee amendment to page 2.

POINT OF INQUIRY

Senator Wilson: "Will Senator Francis yield? Senator, it occurs to me that this does broaden the scope of the coverage, at least by a little bit, which in turn raises the question of the fiscal impact of this program as it has been developing since it was originally passed, and also the question as to whether any sort of fiscal impact specifically can be assigned to this amendment."

Senator Francis: "It is my recollection — committee members could correct me — there was only one or two out of hundreds of applications where there was any question about being a resident. So that I do not see any fiscal impact. Instead, it was regarded by the committee, and this amendment was not offered by me but by another member of the committee and I do not recall who right now, but the feeling of the entire committee was that it would just be easier to determine, that we would not have to go into somebody's state of mind as to whether or not they intend to make this their home for the rest of their life but simply that they are here for a period longer than what we would regard as an ordinary vacation. And this was, in other words, to go into it any more than that created nothing but administrative problems. And I can tell you from having worked with the out-of-state tuition problem that at the various colleges and universities they have a lot of trouble getting at a question of intent as to whether someone intends to stay in this state after they graduate and so forth, too. So we just decided we would not make the Department of Labor and Industries go through that kind of administrative hassle. I do not see a fiscal impact to it at all."

POINT OF INQUIRY

Senator Rasmussen: "Will Senator Francis yield? Senator Francis, this is not directly related to this amendment. Do you have a definition of 'gainfully employed'? Could I ask, unless a person was gainfully employed at the particular time that the crime was committed, would his family be prohibited from receiving benefits under this act?"

Senator Francis: "That gets into the whole area of what kinds of compensation are available. It is very similar to a workmen's compensation schedule and when you are talking about receiving a percentage of what your wages have been, then you have to refer back to the gainful employment part of it. But there are a number of places throughout the act where gainful employment is a key phrase. And I think that Senator Woody may have more that he could respond with on that question."

Senator Woody: "Yes, Senator Rasmussen, on page 5, on line 12 you will see the language 'was not gainfully employed' and below you will see a certain schedule, because you have to take into consideration not only the spouse but siblings and children for a schedule to a person who, at the time he was injured, was not employed but may have been the day before. That was a question that was raised in committee because we did not want to treat that sort of person unfairly. And there is a schedule below the line 12 as to those payments as to those persons who were not gainfully employed at the time of the criminal act."

The motion by Senator Francis carried and the committee amendment to page 2 was adopted.

On motion of Senator Francis, the committee amendment to page 3 was adopted.

On motion of Senator Francis, the rules were suspended, Engrossed Senate Bill No. 2070 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Wilson: "Will Senator Francis yield? I imagine the proliferation of my questions is due to the fact that I have been among the absent for two years and do not know how this bill is working out. I am interested in what fiscal impact this program has had, about how many claims you are receiving, about how many of those are being granted, and what the total effect of the amendments in this bill will have on the program."

Senator Francis: "Senator Wilson, I cannot answer all of those questions. I am not on Ways and Means. There are a number of things that are before Ways and Means. For example, we provided in the bill for retroactive benefits to people who had already been victims of crime. They have filed their applications. It is my recollection there are around four hundred of them and that around three hundred or two hundred and fifty have been recommended for approval. That will be up to the Ways and Means Committee and to this body as a whole ultimately as to what is done with those claims. They have all been processed. The other ones coming in I do not know the numbers. We were concerned with what was going to happen on the retroactive end of things. All of that will be decided later. In other words, this is a matter of structuring the act. As far as what kind of funding and so forth, I do not know that this has any fiscal impact. I could stand being corrected on that, but as far as I know this was to resolve certain ambiguities and certain questions, and as far as which way it cuts, it looked to us from all of the testimony which we received that it evened up, that it would include some people in and it would exclude other people that would now be in."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2070, and the bill passed the Senate by the following vote: Yeas, 41; excused, 8.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Henry, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Wilson, Woody—41.

Excused: Senators Bottiger, Buffington, Grant, Guess, Herr, Keefe, Scott, Washington—8.

ENGROSSED SENATE BILL NO. 2070, having received the 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 announced the presence in the Senate Chamber of the Daffodil Royalty and appointed a special committee of honor from members of the Senate to escort the Princesses and their chaperone to the Senate rostrum.

The President turned the gavel over to Senator Knoblauch, who introduced the princesses and the Queen Mother, Mrs. Beverly Sawyer, who was escorted to the rostrum by Lieutenant Governor Cherberg.

With the consent of the Senate, business was suspended to permit Senator Knoblauch, Mrs. Sawyer and Princess Elizabeth Campbell to address the Senate.

The committee of honor escorted the honored guests from the Senate Chamber and the committee was discharged.

Senator Knoblauch returned the gavel to President Cherberg.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of Senate Bill No. 2423.

SECOND READING

SENATE BILL NO. 2423, by Senator Rasmussen (by Liquor Control Board request):

Prescribing changes in requirements for manufacture, sale, dispensing and possession of alcoholic beverages.

MOTIONS

On motion of Senator Rasmussen, Substitute Senate Bill No. 2423 was substituted for Senate Bill No. 2423, and the substitute bill was placed on second reading and read the second time in full.

There being no objection, the amendment on the Secretary's desk by Senators Morrison and Matson to page 9, line 27 was withdrawn.

On motion of Senator Morrison, the following amendment by Senators Morrison and Rasmussen was adopted:

On page 9, line 32, after "66.24.210" and before the period insert "*PROVIDED, That for purposes of this section the term "casual visitors" shall include patrons of any restaurant located on the premises*".

Senator Lewis (Harry) moved adoption of the following amendment by Senator Buffington:

On page 10, line 1, after "to a" strike all the material down to "to" on line 2 and insert "nonprofit corporation, organized and registered pursuant to chapter 24.03 RCW,".

MOTION

On motion of Senator Lewis (Harry), further consideration of Substitute Senate Bill No. 2423, together with the adopted amendment and the amendment by Senator Buffington, was made a special order of business for 2:00 p.m., today.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of Senate Bill No. 2434.

SECOND READING

SENATE BILL NO. 2434, by Senator Rasmussen:

Permitting the state finance committee to invest in paper secured by the sale or lease of equipment of a corporation located in the state.

REPORT OF STANDING COMMITTEE

February 26, 1975.

SENATE BILL NO. 2434, permitting the state finance committee to invest in paper secured by the sale or lease of equipment of a corporation located in the state (reported by Committee on State Government):

MAJORITY recommendation: Do pass with the following amendments:

On page 5, line 16, insert the following subsection:

"(15) Any obligation, equipment trust certificate, or interest in any obligation arising out of any transaction involving the sale of any equipment by, or the lease of any equipment from, any corporation engaged in the business of transportation or manufacturing, with its principal place of business located in Washington State, or by or from any wholly-owned subsidiary of any such corporation, provided that either (a) the obligation shall be secured by ownership of the equipment or by a first mortgage or other security interest creating a first lien on such equipment or (b) the obligation shall be guaranteed by the United States government or any agency or instrumentality thereof or by a foreign government or any agency or instrumentality thereof or by any province of Canada."

On page 5, line 22, strike the entire subsection.

Signed by: Senators Rasmussen, Chairman; Buffington, Cunningham, Henry, Knoblauch, Wanamaker.

The bill was read the second time by sections.

On motion of Senator Rasmussen, the committee amendments were adopted.

On motion of Senator Rasmussen, the rules were suspended, Engrossed Senate Bill No. 2434 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. 2434, and the bill passed the Senate by the following vote: Yeas, 42; nays, 2; excused, 5.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Stortini, Talley, von Reichbauer, Walgren, Wanamaker, Wilson, Woody—42.

Voting nay: Senators McDermott, Van Hollebeke—2.

Excused: Senators Buffington, Guess, Keefe, Scott, Washington—5.

ENGROSSED SENATE BILL NO. 2434, having received the 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 Peterson, Senate Bill No. 2367 was ordered placed at the end of today's second reading calendar.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of Senate Bill No. 2171.

SECOND READING

SENATE BILL NO. 2171, by Senators Francis and Clarke (by Judicial Council request):

Imposing fine and jail for willful failure to appear before superior court after release on bail or personal recognizance.

REPORT OF STANDING COMMITTEE

February 7, 1975.

SENATE BILL NO. 2171, imposing fine and jail for willful failure to appear before superior court after release on bail or personal recognizance (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendment:

On line 9 after "any" strike "superior" and on line 14 after "than" strike "ten" and insert "five" and on line 16 after "charged" add "or if there has been no charge, the offense for which the person was arrested".

Signed by: Senators Francis, Chairman; Buffington, Clarke, Fleming, Jones, Marsh, Scott, Van Hollebeke.

The bill was read the second time by sections.

On motion of Senator Clarke, the committee amendment was adopted.

Senator Clarke moved adoption of the following amendment by Senators Clarke and Francis:

On line 16, after "charge" and before the period insert ": PROVIDED, That in cases where a bail forfeiture is allowed as a final disposition, this section shall not apply".

Debate ensued.

POINT OF INQUIRY

Senator Woody: "Would Senator Clarke yield? Senator Clarke, I have two questions. Number one, your provision says that in cases where a bail forfeiture is allowed. What do you mean by allowed? By whom? Is there a standard? I do not mean to get you in a box on this. Do you know of a standard rule either set forth by statute or the Supreme Court as to when bail forfeiture is allowed?"

Senator Clarke: "Yes, Senator Woody. The rule T-203 of the rules for courts of limited jurisdiction as promulgated by the Supreme Court makes provision for, in effect, the setting of bail schedules and, in effect, for the forfeiture of such bail in lieu of an appearance. And it also, however, sets forth in the same rule, cases where there is a mandatory court appearance and where, for instance, this exemption would not apply and these, for instance, would relate to things such as reckless driving, hit and run, wrong way on a freeway. Now examples of the cases where bail forfeitures are permitted are things such as speeding, failure to stop at a sign, failure to yield right-of-way, following too close, failure to signal, defective equipment, things of that nature. In other words, this is sufficiently spelled out in the rules so I think there would be no difficulty in making the determination."

Senator Woody: "As I understand it, Senator Clarke, a further question to you, the limitations in that rule that you cited are not exclusive. The district court or superior court judge may also say that certain matters that are not listed in that rule are not forfeitable items. I know some judges are saying, for example, that possession of intoxicating liquor by people under twenty-one, they are not allowing those to be forfeitable even though they are not covered. Were you aware of this, or has that been determined elsewhere?"

Senator Clarke: "It was the intent of the amendment, in reality, and the reason why the wording of the amendment is so broad is, I think, to cover exactly such situations that you are referring to. That is, if under either the supreme court rule or a rule adopted by a local court, bail forfeiture would not be permitted, then the amendment would not apply. So I would assume that that would take care of your situation."

Senator Woody: "Yes, Senator Clarke. Finally, what would happen if your amendment were to be adopted and a person were charged in a case where bail forfeiture is

allowed by the court rule and yet he is released on personal recognizance. I would interpret your amendment to result in a situation that a person who is released on his personal recognizance would not then be guilty of a crime of not showing up, of jumping bail, so to speak."

Senator Clarke: "If this were a situation where bail forfeiture were permitted, I think perhaps you are correct, but I think that in order to cover the majority of the situations that this is about as close as we can come with an all-inclusive amendment."

Senator Woody: "The only reason I ask you that particular question is that there is a growing trend, especially in district court, to not require bail. I think it is working very well. Personal recognizance is being granted to almost anybody on a traffic charge because it is found that the only result of bail being put up was to create a market for bail bondsmen, and if that trend continues to greatly expand the use of personal recognizance affidavits, then by your amendment you would really take out any further incentive to keep a person from jumping his personal recognizance bond."

Senator Clarke: "Senator Woody, I would merely point out that that situation would exist under the law as it presently is. So what we are doing here by creating this as an additional crime is making a completely new enactment so that we certainly are not taking away from any enforcement that presently exists. Perhaps we have not gone quite far enough under the circumstances which you suggest, but I think those are being pretty well taken care of under the law as to those relatively minor offenses."

Debate ensued.

There being no objection, the amendment by Senators Clark and Francis was withdrawn.

On motion of Senator Francis, the rules were suspended, Engrossed Senate Bill No. 2171 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. 2171, and the bill passed the Senate by the following vote: Yeas, 42; nays, 2; absent or not voting, 1; excused, 4.

Voting yea: Senators Beck, Benitz, Bluechel, Bottiger, Clarke, Cunningham, Donohue, Fleming, Francis, Goltz, Gould, Grant, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Selar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Wilson, Woody—42.

Voting nay: Senators Day, Newschwander—2.

Absent or not voting: Senator Bailey—1.

Excused: Senators Buffington, Guess, Keefe, Washington—4.

ENGROSSED SENATE BILL NO. 2171, having received the 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 Mardesich, the Senate commenced consideration of Senate Bill No. 2241.

SECOND READING

SENATE BILL NO. 2241, by Senators Ridder, Marsh and Matson:

Authorizing resumption of payments to a widow of a workman after remarriage has terminated.

MOTIONS

On motion of Senator Ridder, Substitute Senate Bill No. 2241 was substituted for Senate Bill No. 2241, and the substitute bill was placed on second reading and read the second time in full.

Senator Lewis (Harry) moved adoption of the following amendment:

On page 4, line 20, after "[twenty-one]" strike "*twenty-five*" and insert "*twenty-two*".

Debate ensued.

The motion by Senator Lewis (Harry) carried and the amendment was adopted.

Senator Morrison moved adoption of the following amendment by Senators Lewis (Harry) and Morrison:

On page 3, line 9, strike "have an option of" and insert "make a binding election as follows:"

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Mr. President and members of the Senate, the question I have for Senator Ridder is this. Suppose I am contemplating remarriage and I make the election as proposed by Senator Morrison there, binding, I am not going to take the cash settlement. Would not that just, in effect, right at the start cast a cloud on that marriage, if she is holding an option open that the marriage is not going to continue? Anyway they marry, there are children probably in the family. Now, by making this election to leave the door open so she can come back in on the pension — I think it would be a bad start to a marriage."

Senator Ridder: "Senator Rasmussen, you have stated some of the very reasons why we are advocating that the option be open. In some places this particular payment is referred to as a dowry payment and in fact there have been problems sometimes with perhaps hasty marriages when that seventy-five hundred dollars looks pretty good to a prospective bridegroom. So the thought is that the security of those monthly payments is something that a prospective bride or bridegroom might hesitate to give up, and to embark upon a remarriage which might be under somewhat less stable circumstances than those that are established at perhaps an earlier period in life, that is that marriages later in life sometimes are between people who have some adverse circumstances to deal with, that is, previous marriages perhaps on the part of one of the partners — obviously on the part of one of the partners. Perhaps there have been binding family obligations which have led someone to establish habits which are not conducive to two-part harmony, shall we say."

Senator Rasmussen: "The purpose of the bill is very commendable. I am not sure that we are getting at it in the right way and I am not sure whether Senator Morrison's amendment helps or hurts the bill."

Senator Ridder: "I am not sure either. I cannot speak to the merits of that amendment."

Further debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "I would like to ask Senator Woody a question. He and Senator Bottiger seem to know more about this bill. Supposing that this woman tells her husband-to-be, and it could go either way under these industrial insurances but mostly it is the woman, and she says, 'I am not going to take this seventy-five hundred lump sum dowry because I am suspicious that we won't stick together.' That is not going to help the proposed marriage."

Senator Woody: "I am not an expert on what helps marriages. But you are right."

Senator Rasmussen: "Now, in the case that she elects, how is she going to pay the money back?"

Senator Woody: "If she intends to pay the money back she will just have to. . . ."

Senator Rasmussen: "Under Senator Morrison's why there is no way."

Senator Woody: "No, there is not. It is a binding election. It is done, accomplished."

Senator Rasmussen: "There should be a better way of handling this problem and I do not think this bill does it."

POINT OF INQUIRY

Senator Lewis (Harry): "Will Senator Woody yield? Senator Woody, under (i) it says he or she shall receive once and for all. The question that bothered us was, number one, you are talking about an option and then you are saying shall receive once and for all, and I think those two are in conflict and that was the reason for the amendment. I can see somebody perhaps who is married for twenty-five years for a second time and this thing would all be in limbo. At that point, without the amendment, could she repay the seventy-five hundred dollars and start on a pension? Is that the inference? I just think the language is unclear and I think perhaps the attorneys here could look at it. Attorneys raised the question. We are having the same problem with attorneys we have always had."

Senator Woody: "Which question did you want me to answer, the latter or the former? I understand what you are saying so far as the language on line 10 through 14 is concerned. If the option language stays in rather than the amendment and somebody exercises an option, it is once and for all. She or he has the seventy-five hundred dollars and that is it. Once you exercise an option you have triggered the mechanism for the contract and you cannot go backwards on it. You cannot rescind it. However, what I was addressing myself to was that the language as it is right now would create an option at the date of the remarriage. There is no closing date in which you must exercise the option. Senator Morrison's amendment would say that at the date of the remarriage the surviving spouse must make an election, a binding election. Must make it at that time and cannot wait one year, two years, five years or ten years to make that election."

Further debate ensued.

POINT OF INQUIRY

Senator Mardesich: "Would Senator Marsh yield to a question? Senator Marsh, I am completely unfamiliar with the operation of this act. Do I gather that if an election is not made that the monthly payments could then be drawn and then at some later time they could make the election to draw the seventy-five hundred, because I see nowhere in that page, at least on that page, a proviso that the monthly payments would be deducted from the lump sum if the election were made later? Could a person continue to draw monthly payments and make the lump sum option later and draw the full seventy-five hundred after having received the monthly payments?"

Senator Marsh: "No, I think if you decided to continue receiving the monthly payments, then you would have precluded the other option."

Senator Mardesich: "It does not say that though. That is the point I am raising."

Senator Marsh: "I see your problem and I think perhaps we ought to take some additional time. I would ask that it be put down a couple of bills."

MOTIONS

On motion of Senator Mardesich, Substitute Senate Bill No. 2241, as amended, together with the pending amendment by Senators Lewis (Harry) and Morrison, was made a special order of business following the special order of business Senate Bill No. 2423 today.

PERSONAL PRIVILEGE

Senator Bottiger: "I may have confused the issue. I have been lobbied on a House bill that has a pay back of this pension of the election to get back into the monthly payments and I just presumed that was in this bill. I am satisfied now that — if I have confused anybody by the idea of once you take the seventy-five hundred dollars, paying it back to get back on, I apologize. I understand it is not in this bill."

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of Senate Bill No. 2110.

SECOND READING

SENATE BILL NO. 2110, by Senators Walgren, Washington and Wanamaker:
Enacting the model traffic ordinance.

MOTIONS

On motion of Senator Walgren, Substitute Senate Bill No. 2110 was substituted for Senate Bill No. 2110 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Walgren, the rules were suspended, Substitute Senate Bill No. 2110 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 Woody: "I have people working on these things as fast as they come up. A note that I got very quickly right now indicates, Senator Walgren, could you yield? Does it require a bicycle to get a license? Under Sections 90 to 93? A person operating a bicycle?"

Senator Walgren: "Section 93?"

Senator Woody: "90 to 93."

Senator Walgren: "It appears so, but I should also say, Senator Woody, that this is not substantive law at all. It will not become substantive law unless adopted by the local jurisdiction."

Senator Woody: "But even so, I know how model acts go. You tend to adopt sections one through terminal and if we are trying to get some drunks out of their cars and on bicycles I suppose they would be able — is this a special license? A license and a license plate? It says 'bicycle has been licensed.' Does this not apply to the person but rather to the . . ."

Interrupted by the following motion:

MOTION

At 12:00 noon, on motion of Senator Mardesich, the Senate recessed until 12:45 p.m.

AFTERNOON SESSION

The President called the Senate to order at 12:45 p.m.

There, being no objection, Senators Odegaard and Donohue were excused.

THIRD READING

SUBSTITUTE SENATE BILL NO. 2110, by Committee on Transportation and Utilities (originally sponsored by Senators Walgren, Washington and Wanamaker):

Enacting the model traffic ordinance.

The President declared the question before the Senate to be the roll call on final passage of Substitute Senate Bill No. 2110.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2110, and the bill passed the Senate by the following vote: Yeas, 41; nays, 1; absent or not voting, 1; excused, 6.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Clarke, Cunningham, Day, Fleming, Goltz, Gould, Grant, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Morrison, Murray, Newschwander, North, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Selar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Wilson, Woody—41.

Voting nay: Senator Francis—1.

Absent or not voting: Senator Matson—1.

Excused: Senators Buffington, Donohue, Guess, Keefe, Odegaard and Washington—6.

SUBSTITUTE SENATE BILL NO. 2110, having received the 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.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of Senate Bill No. 2106.

SECOND READING

SENATE BILL NO. 2106, by Senator Walgren:

Requiring life-cycle cost analysis for major facilities.

MOTION

On motion of Senator Lewis (R. H. "Bob"), Senator Matson was excused.

On motion of Senator Walgren, the rules were suspended, Senate Bill No. 2106 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. 2106, and the bill passed the Senate by the following vote: Yeas, 41; absent or not voting, 1; excused, 7.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Clarke, Cunningham, Day, Fleming, Francis, Goltz, Gould, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Morrison, Murray, Newschwander, North, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Wilson, Woody—41.

Absent or not voting: Senator Grant—1.

Excused: Senators Buffington, Donohue, Guess, Keefe, Matson, Odegaard, Washington—7.

SENATE BILL NO. 2106, having received the 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 Mardesich, the Senate will consider Senate Bill No. 2235 following consideration of Senate Bill No. 2452.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of Senate Bill No. 2452.

SECOND READING

SENATE BILL NO. 2452, by Senators Henry and Wanamaker:

Authorizing monthly license fees for operation of dump trucks.

The bill was read the second time by sections.

On motion of Senator Walgren, the rules were suspended, Senate Bill No. 2452 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. 2452, and the bill passed the Senate by the following vote: Yeas, 32; nays, 10; excused, 7.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Clarke, Cunningham, Day, Gould, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Morrison, Murray, Newschwander, North, Peterson, Pullen, Rasmussen, Sandison, Sellar, Stortini, Talley, von Reichbauer, Walgren, Wanamaker, Woody—32.

Voting nay: Senators Bottiger, Fleming, Francis, Goltz, Grant, McDermott, Ridder, Scott, Van Hollebeke, Wilson—10.

Excused: Senators Buffington, Donohue, Guess, Keefe, Matson, Odegaard, Washington—7.

SENATE BILL NO. 2452, having received the 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 Mardesich, the Senate commenced consideration of Senate Bill No. 2150.

SECOND READING

SENATE BILL NO. 2150, by Senators Jolly, Sellar, Day, Wilson and Benitz:
Changing certain laws relating to agriculture.

MOTIONS

On motion of Senator Jolly, Substitute Senate Bill No. 2150 was substituted for Senate Bill No. 2150, and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Jolly, the following amendments were adopted:

On page 33 of the substitute bill, section 40, subsection (16), line 29, change the semicolon to a period and delete all of subsections (17), (18), and (19) on lines 30 through 34.

On page 34, on line 1 after "Sec. 42." strike the remainder of the bill and insert "This 1975 amendatory act shall be effective July 1, 1975."

On motion of Senator Jolly, the following amendments to the title were adopted:

Beginning on page 2 of the title, line 34, after "16.28.150;" strike all material down to and including "16.28.170;" on page 3, line 2.

On page 3, on line 2 of the title after "RCW 16.28.170;" strike the remainder of the title and insert "and prescribing an effective date."

On motion of Senator Jolly, the rules were suspended, Engrossed Substitute Senate Bill No. 2150 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. 2150, and the bill passed the Senate by the following vote: Yeas, 42; excused, 7.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Clarke, Cunningham, Day, Fleming, Francis, Goltz, Gould, Grant, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Morrison, Murray, Newschwander, North, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Wilson, Woody—42.

Excused: Senators Buffington, Donohue, Guess, Keefe, Matson, Odegaard, Washington—7.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2150, having received the 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 Mardesich, the Senate commenced consideration of Senate Bill No. 2235.

SECOND READING

SENATE BILL NO. 2235, by Senators Talley, Jolly and Sellar:

Allowing certain public utility districts to acquire, construct, operate and add to sewage and sanitation systems.

MOTIONS

On motion of Senator Fleming, Substitute Senate Bill No. 2235 was substituted for Senate Bill No. 2235, and the substitute bill was placed on second reading and read the second time in full.

Senator Woody moved adoption of the following amendment:

On page 1, line 6, after "river," insert "and Snohomish County".

On motion of Senator Wilson, the following amendment to the amendment by Senator Woody was adopted:

Amend the Woody amendment as follows: after "and" and before "Snohomish" insert "in".

Debate ensued.

POINT OF INQUIRY

Senator Fleming: "I would like to ask Senator Woody to yield to a question. Senator Woody, I was busy discussing the amendments on the bill and, did you indicate that the Snohomish County officials were interested in this type of arrangement?"

Senator Woody: "Yes, of course. Last year we approached this same problem and the Public Utilities District in Snohomish County and the Snohomish County Commissioners were inquiring of us as to what sort of legislation we could think of that would permit the PUD, and we wanted the PUD rather than the county itself, or creating another METRO, to have the authority to put in sewer lines in areas in a manner that we would not have to go and up the LID route. This would really do it and do it for those counties along the Columbia and if you adopt my amendment, will do it for Snohomish County as well."

Senator Fleming: "Thank you."

Further debate ensued.

POINT OF INQUIRY

Senator Bailey: "I want to ask a question of Senator Talley. It relates to this bill and to the amendment too, I think, and that is, if a PUD in any of these counties decides to take on a sewer district, they are usually not county-wide, they would be only sectionals, and then is approved by the county commissioners, they could organize that district without a vote of the people?"

Senator Talley: "Are you speaking of existing districts?"

Senator Bailey: "Yes."

Senator Talley: "We have an amendment by Senator Sellar which we think will cover that point. 'With the approval of a majority of the qualified voters within any existing sewer district.'"

Senator Bailey: "Further question then. If that amendment is adopted, that will change some part of it. However, what happens to the existing sewer districts? Can the PUD take those over and assume their obligations?"

Senator Talley: "I cannot answer your question. I would assume, Senator Bailey, that the obligation of the district would have to be negotiated or settled some way. I do not know."

Senator Bailey: "Then the third question is this. If the PUD takes over or starts a sewer district, can it use any of its public power funds for that sewer district? In other words, can the whole county get saddled with higher electric rates because this district decides to furnish sewerage to one little part of the county? If that could be written into

the bill that they would have to start a self-sustaining district in which no funds could be intermingled, I would be heartily in favor of the bill, but I think that has to be in there."

Senator Talley: "Senator Bailey, we have no thought of obligating the rest of the county for any sewer district. The only thought about the PUD getting into the sewer business was that their bonding abilities are far superior to what the counties are and they could spread these payments out over a longer period of time and that way they could keep the rate down until the area grew and they got enough customers on it to make it self-sustaining."

Further debate ensued.

POINT OF INQUIRY

Senator Bluechel: "Would Senator Woody yield to a question, please? Senator Woody, could you tell me if Referendum 26 funds are applicable to PUD's as well as cities and counties under the statute we have — matching funds?"

Senator Woody: "I cannot answer that question."

Senator Bluechel: "I would think that this would have a great deal of bearing as to the usability of the amendment because most sewer districts are going to require the seventy-five percent match for treatment plants and trunk lines that the federal government supplies under our Referendum 26 plus the state fifteen percent. This makes it possible, actually determines the question of whether the district will go in or not."

Senator Woody: "I can answer that part of the question and my answer there is, what you are talking about is not something that goes to my amendment but rather to the bill. The bill itself talks about any county bordering the Columbia River and I am adding Snohomish County. Your question is relating to the counties, including Snohomish County, that it might cover."

On motion of Senator Woody, the following amendment to the amendment by Senator Woody was adopted:

Amend the Woody amendment as follows: rewrite to read as follows: before "any" insert "Snohomish county and".

The motion by Senator Woody carried and the amendment, as amended, was adopted.

Senator Sellar moved adoption of the following amendment:

On page 1, line 7, after "acquire" and before the comma insert "with the approval of a majority of the qualified voters within any existing sewer district".

POINT OF INQUIRY

Senator Lewis (Harry): "Will Senator Sellar yield? Do I understand your amendment that on any acquisition of a sewer district that for that purpose they must have a majority vote of the qualified voters within the sewer district that the PUD would be acquiring?"

Senator Sellar: "That is correct."

Senator Lewis (Harry): "Why did you not include 'add to sewage systems'? In other words, could the PUD then add to an existing sewage system, as I read your amendment, without the authority of the voters within that existing sewer system?"

Senator Sellar: "I believe they could, Senator Lewis, and the reason for that is, of course, because of the sewage treatment plants. I really cannot see why we should really have a vote to hook onto the existing sewage treatment plant if they can work out with the county legislative authority, if they own the treatment and whoever does, some type of contractual arrangement to use the treatment plant. I really cannot see why we should bring a vote of the people into that."

Debate ensued.

Senator Bailey moved adoption of the following amendment to the amendment by Senator Sellar:

Amend the Sellar amendment as follows: after "existing" insert "or proposed".

Debate ensued.

The motion by Senator Bailey carried and the amendment to the amendment was adopted.

The motion by Senator Sellar carried and the amendment, as amended, was adopted.

MOTION

Senator Bailey moved that Substitute Senate Bill No. 2235, as amended, be held for further consideration following the special order of business, Senate Bill No. 2423.

PARLIAMENTARY INQUIRY

Senator Bailey: "Mr. President, an inquiry then. If we are proceeding on this and have already started action, I presume that four o'clock is not necessarily the deadline."

REPLY BY THE PRESIDENT

The President: "The President has always believed that any bill being considered by the Senate at four o'clock, that the Senate should complete its consideration of the measure."

MOTION

On motion of Senator Talley, Substitute Senate Bill No. 2235, as amended, was made a special order of business on second reading at 3:55 p.m. today.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of Senate Bill No. 2055.

SECOND READING

SENATE BILL NO. 2055, by Senators Henry and Murray:

Recovering attorney's fees in cases of illegal odometer replacement.

On motion of Senator Francis, the rules were suspended, Senate Bill No. 2055 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 Woody: "Would Senator Henry yield? You and I discussed the repealer. Unless somebody read the repealer or the digest they would not realize that the repealer of the section that permits a dealer to disconnect the odometer when he is going to a neighborhood dealer to switch cars so he can make a sale. As long as he tells the officer this so they do not run up mileage on the odometer that would take away from the warranty, as long as he tells the purchaser, 'Look, I brought this in from Portland because we switched cars, we could get you a purple car with a pink interior,' then it is all right. Is that correct?"

Senator Henry: "For the record, Senator Woody, that is correct."

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2055, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Wilson, Woody—45.

Excused: Senators Buffington, Guess, Keefe, Washington—4.

SENATE BILL NO. 2055, having received the 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 Mardesich, the Senate commenced consideration of Senate Bill No. 2343.

SECOND READING

SENATE BILL NO. 2343, by Senators Beck, Walgren and Stortini:
Requiring accident reports for bicyclists.

REPORT OF STANDING COMMITTEE

February 18, 1975.

SENATE BILL NO. 2343, requiring accident reports for bicyclists (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass with the following amendment:

On line 21 after "Sections" and before "2," strike "1,"

Signed by: Senators Walgren, Chairman; Beck, Bluechel, Bottiger, Guess, Jolly, Knoblauch, Morrison, Sellar, Wanamaker.

The bill was read the second time by sections.

On motion of Senator Walgren, the committee amendment was adopted.

On motion of Senator Walgren, the rules were suspended, Engrossed Senate Bill No. 2343 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 Day: "Would Senator Beck yield? Senator Beck, the way I read Section 2 here, if one of my under-age children is riding a bike, falls down on the gravel, gets some gravel in his knee, you have to take him to the doctor to get the gravel out, that is a reportable accident?"

Senator Beck: "Yes, we want to find out just how many people are being hurt with bicycles and how badly they are being hurt and what the state can do. This will give us a clue as to what we can do. This is not in any way to jeopardize or harass anyone who rides a bicycle, just an attempt to find out where the accidents are happening and what we can do about it."

Senator Day: "Senator Beck, continuing, would not it be better if this were amended so that if the bicyclist were involved in an accident with another bicycle or with another vehicle rather than then would be reportable? Otherwise they are just going to clutter up these files with a lot of reports that are really pretty meaningless, it would seem to me."

Senator Beck: "We have certain kinds of culverts and drainage systems and our storm sewers where kids riding bicycles will run over these things and their wheels get caught. We would like to find out anything that is causing an accident. There are lots of things that could happen there, Senator Day. I do not believe that this is imposing any undue hardship to go down and the parent report if a child has had an accident and what happened."

Further debate ensued.

POINT OF INQUIRY

Senator Sandison: "Will Senator Beck yield to a question? Senator Beck, I was wondering, if a small child on a grade school ground had a bicycle accident and went to the school nurse, would that be professional medical treatment? And that is the rule in most grade schools."

Senator Beck: "Senator Sandison, I am not trained as a legal mind. Any legal opinion I give you is worth just what you are paying for it, and that is absolutely nothing. I do not know. I do know that this is an attempt to get some statistics. It was recommended to us by about a seventy-five person advisory committee of people who ride bicycles all over the state. This requires you to make a report just as if you had had an accident with an automobile. I doubt if any little minor accident like that would be

required to be reported. The school, I think, would use their good judgment of that. But as I say, I am not a legal mind, Senator Sandison. My advice to you is worth just what you pay for it."

POINT OF INQUIRY

Senator Van Hollebeke: "Would Senator Beck yield to a question? Senator Beck, 'requires that they meet the provisions of Title 46.52'. Does that title make this a crime to not report this? I am pretty concerned. For instance, if you had nine children, I cannot keep track of all the bicycle accidents they get into. What if it requires a tetanus shot? I am editorializing while I am questioning."

Senator Beck: "Senator Van Hollebeke, I do not think you have anything to worry about. You know, that particular chapter of the code refers to suspending of the license. You do not have to have a license to run a bicycle and it specifically excludes that provision."

Senator Van Hollebeke: "Isn't there a criminal penalty involved though, Senator? I am pretty concerned about this."

Senator Beck: "No, there is no criminal penalty involved as to my knowledge."

POINT OF INQUIRY

Senator Cunningham: "Would Senator Francis yield to a question please? Senator Francis, could you tell me what the penalties are if you are operating a motor vehicle and fail to file the accident report in the event that you are misfortunate enough to have an accident?"

Senator Francis: "Senator Cunningham, I do not have that provision of the RCW here. I was curious about it myself. Ordinarily, if you require the doing of an act, there would be a misdemeanor penalty going along with it if there is no penalty specified. I would assume that it would be at least a misdemeanor here. Senator Walgren may know better as far as what the financial responsibility law requirements are. I am pretty sure it is a misdemeanor there, too."

Further debate ensued.

MOTIONS

On motion of Senator Marsh, the rules were suspended and Engrossed Senate Bill No. 2343 was returned to second reading.

Senator Marsh moved adoption of the following amendment:

On line 12, after "treatment" and before the comma insert "estimated to cost more than one hundred dollars".

Debate ensued.

The motion by Senator Marsh carried and the amendment was adopted on a rising vote.

Senator Newschwander moved adoption of the following amendment by Senators Francis and Newschwander:

Beginning on line 23, strike all of section 5.

Debate ensued.

POINT OF INQUIRY

Senator Francis: "Will Senator Bottiger yield to a question? Senator Bottiger, when we write an emergency clause and then attach a specific date to it rather than saying 'immediately,' what happens to the right of referendum?"

Senator Bottiger: "Senator Francis, you are asking me for a top of the head answer. I would presume that if you wanted a referendum you would immediately file an action in court saying that this July 1 date would cut off your right of referendum. The court would look at that and say no, that is not what they had in mind and would give you your right of referendum. Now that is what I think would happen. Our problem is, how do we make an act effective on a specific date. If you would like to amend that July 1 to January 1, 1976, I would have no objection. What I am asking for is a specific start date for the statistical information."

Debate ensued.

POINT OF INQUIRY

Senator Clarke: "Would Senator Bottiger yield? Senator, since we are now in a constitutional session, when would this bill become effective without the emergency clause?"

Senator Bottiger: "Senator Clarke, presuming that the House passed it and the Governor signed it, it would become effective ninety days from the end of the session which would be some time in May."

Senator Clarke: "Prior, in any event, to July 1."

Senator Bottiger: "That is correct."

Senator Clarke: "It seems to me that we are being entirely inconsistent with this type of language and if you want to accomplish the July 1 date, I would suggest that you strike the emergency provisions and simply make a definite declaration that the effective date shall be July 1. Otherwise I think we are in a completely inconsistent situation in having said that it is an emergency and then putting a date later."

Senator Bottiger: "Of course, Senator Clarke, the answer to that is, what if the bill passed more likely than not some time early in the special session and the effective date would have been July 3? Then we have a whole group of incomplete statistics for that period."

Senator Clarke: "My answer to that, Senator, would be if that is done it would have to be re-passed in the special session anyway and should then be taken care of."

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of the special order of business.

SPECIAL ORDER OF BUSINESS
SECOND READING

SUBSTITUTE SENATE BILL NO. 2423, by Committee on State Government):

Prescribing changes in requirements for manufacture, sale, dispensing and possession of alcoholic beverages.

The time having arrived, the Senate resumed consideration of Substitute Senate Bill No. 2423, as amended previously today, and an amendment by Senator Buffington, moved for adoption by Senator Lewis (Harry).

There being no objection, on motion of Senator Rasmussen, the amendment by Senator Buffington was laid upon the table.

On motion of Senator Rasmussen, the rules were suspended, Engrossed Substitute Senate Bill No. 2423 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 Matson: "Would Senator Rasmussen yield to a question? I noticed in, I think it is in Section 2, and also in Section 10, there appears to be some revenue impact in those two sections. Do you have any idea what they are?"

Senator Rasmussen: "Senator Matson, no, there is a very little, probably none. Section 2 makes it possible for people entering Washington from outside the United States to bring liquor into the state for their personal or household use upon the payment of the state markup in taxes. At the present, they are authorized to bring in only the amount the United States permits duty free, one quart per adult in most cases. Military personnel and civilians returning from overseas often have three or four bottles, but under present law there is no legal way for them to bring in more than one bottle. That is the intent of that amendment. The money would go into the Liquor Board the same as it does at the present time on their markup and their profit."

MOTION

Senator Matson moved that Engrossed Substitute Senate Bill No. 2423 be referred to the Committee on Ways and Means.

Debate ensued.

POINT OF INQUIRY

Senator Ridder: "Will Senator Francis yield? You mentioned that we would allow people to bring in liquor from out of state? My understanding from the resume is that it is out of country. An I right or wrong?"

Senator Day: "Mr. President, in answer to Senator Ridder's question, the federal government already regulates the bringing in of alcoholic beverages. I guess they will allow you one bottle and then you have to do certain things to bring in more. What this particular section will do is, let us say that I lived in Illinois and I wanted to move to the state of Washington and I had a big wine collection. I wanted to bring that wine collection to the state of Washington. I could do so and do so legally by applying to the Board, telling them how much I had and paying the taxes applicable to that particular amount of wine. So that is really where the plus impact is going to come, and it could also allow the department some additional latitude in catching people bringing in illicit booze. But the thing is that the impact is not going to be a negative impact. It is going to be a slight positive impact and most of that is going to be on a volunteer basis. I cannot see that there is any reason for this bill to go to Ways and Means."

Senator Marsh: "Mr. President, ladies and gentlemen, with all due respect to Senator Day, I would call attention to the bottom of page 2, line 32, and that language reads, 'A person twenty-one years of age or over may bring into the state from without the United States,' from without the United States, and then the amendatory language that Senator Ridder is referring to which follows that is on top of page 3; it says, 'Such entry of alcoholic beverages in a reasonable amount in excess of that herein provided may be authorized by the Board upon payment of an equivalent markup and tax as would be applicable to the purchase of the same or similar liquor at retail from the state liquor store. So it does apply to out of state, out of country; from without the United States.'"

Further debate ensued.

The motion by Senator Matson failed.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 2423.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2423, and the bill passed the Senate by the following vote: Yeas, 39; nays, 6; excused, 4.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Henry, Herr, Jolly, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Scott, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Wilson, Woody—39.

Voting nay: Senators Jones, Lewis (Harry), Matson, McDermott, Pullen, Sellar—6.

Excused: Senators Buffington, Guess, Keefe, Washington—4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2423, having received the 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 Mardesich, the Senate commenced consideration of the special order of business, Substitute Senate Bill No. 2241, as amended.

SPECIAL ORDER OF BUSINESS
SECOND READING

SUBSTITUTE SENATE BILL NO. 2241, by Committee on Labor:

Authorizing resumption of payments to a widow of a workman after remarriage has terminated.

The time having arrived, the Senate resumed consideration of Substitute Senate Bill No. 2241 on second reading. Earlier today an amendment by Senator Lewis (Harry) was adopted and the following amendment by Senators Lewis (Harry) and Morrison had been moved for adoption by Senator Morrison:

On page 3, line 9, strike "have an option of" and insert "make a binding election as follows:"

Debate ensued.

MOTION

On motion of Senator Lewis (R. H. "Bob"), Senators Gould and Matson were excused.

Further debate ensued.

POINT OF INQUIRY

Senator Lewis (Harry): "I wonder if Senator Marsh or Senator Mardesich would respond to a question? Supposing that there was to be a dissolution of a marriage five years after the second marriage in this case and the option had not been exercised. Maybe this bears or does not bear, but there is a possibility that it might bear on the bill — on a potential alimony payment in the divorce proceedings, if this option had not been exercised in any way by a woman, what effect, if any, would that have upon alimony payments forthcoming in the divorce proceedings of the second marriage, and would this not tend to make that situation difficult? I do not know whether that is a valid point or not, but it just occurs to me that it could, by leaving things wide open, complicate a situation. I could see where perhaps a woman would have that option and maybe that option would not be admissible in court in the divorce proceedings and a year later she decides after her alimony runs out, she has maximized her alimony for that period of time, she would then exercise the option and take either the seventy-five hundred dollars or a portion of it or take monthly payments. It seems to me that we should have a response to that as it might bear on the bill."

Senator Marsh: "Senator Lewis, I think the judge making the decision on the decree of dissolution would want to consider all the assets of both parties, and certainly if she had an unexercised option this would be one of her assets that the judge could take into consideration in making whatever award of alimony or — we do not call it that anymore. We call it separate maintenance but making an award of separate maintenance if he so desired."

Debate ensued.

POINT OF INQUIRY

Senator Mardesich: "Would Senator Ridder yield? Senator Ridder, I still have not in my mind clarified whether a woman could, under subsection. . . ."

Senator Ridder: "Even a man, Senator."

Senator Mardesich: "Or a man. Usually we do not last that long. But whether a woman could draw the monthly and then later make an election to draw the bulk payment without the monthly being applied as a credit against the bulk payment. I see nothing in that language that would prohibit her from drawing it."

Senator Ridder: "I think you are right."

Senator Mardesich: "Is there an amendment?"

Senator Ridder: "In our pre-lunch discussion that was brought to my attention and we have, among that substantial series that Senator Morrison referred to, several amendments which are aimed at clarifying the status of that so that the intent would be as I stated it once before. I reiterate, I do not believe that Senator Morrison's amendment would add to the clarity of the bill and I think it would be about time we called for the question on that amendment."

The motion by Senator Morrison failed and the amendment was not adopted.

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

On page 3, line 8, after "before" and before "and" insert ", but the monthly payments to such surviving spouse shall cease at the end of the month during which remarriage occurs."

Senator Ridder moved adoption of the following amendments simultaneously:

On page 3, line 12, after "lesser" strike ", and the monthly payments to such surviving spouse shall cease at the end of the month in which remarriage occurs".

On page 3, line 18, after "bar" strike the remainder of the paragraph and insert: "him or her from exercising the option granted in subsection (2)(i) of this section during the life of the remarriage and shall not prevent subsequent monthly payments to him or to her if the remarriage has been terminated by death or has been dissolved by valid court decree provided he or she has not previously accepted the lump sum payment provided in this section."

POINT OF INQUIRY

Senator Rasmussen: "I did not get that explanation clearly, Senator Ridder."

Senator Ridder: "In the original language of the substitute bill, Senator, there was an option provided for payment of the deferred lump sum upon the termination of the second marriage but there was no provision, no language which provided for that payment under other circumstances than the termination of the marriage. In other words, the money had been withheld and had not been accepted but it is not intended to be an insurance policy, specifically, against the termination of a second marriage."

Senator Rasmussen: "Mr. President, another question of Senator Ridder, if I may. In the next paragraph down you also speak of a termination of marriage by the death or dissolution — shall be the date of the death or dissolution. Is it also your intention that the party gets married and upon the death of the other party that the monthly payments or the lump sum would become available?"

Senator Ridder: "Yes, that is the intent of the bill."

Senator Rasmussen: "It is my understanding, and of course the way it is now, if a person marries they immediately get the lump sum dowry, marriage payment, and then any benefits that this party would accrue would come from whatever benefits were available by the death of the other party. I am trying to keep separate male and female so it could go either way. Let us take the woman then, a person, an Ms. or something, gets married and then her husband dies. Now one husband has died and she is entitled to the benefits on the first husband's death. And now you are meaning if the second husband dies she can go back on the benefits of the first husband and also participate in the benefits of the second husband?"

Senator Ridder: "Not also. This language. . . ."

Senator Rasmussen: "Well, this is what this would say."

Senator Ridder: "I hope not because we were hoping to eliminate any prospect of any double dip."

Senator Rasmussen: "That is the way I read it."

Senator Ridder: "It was our intention that there be language in the bill that there would in no case be an opportunity to draw benefits on more than one account."

Senator Rasmussen: "Could call it the double dip."

Senator Ridder: "No, we tried to insure against that."

Senator Grant moved adoption of the following amendment to the amendment by Senator Ridder:

Following the Senator Ridder amendments on page 3 and following the words "provided in this section" at the end of the third of Senator Ridder's amendments, insert the following proviso: "PROVIDED, HOWEVER, That if the surviving spouse during the remarriage should die without having previously received the lump sum payment provided herein his or her estate shall be entitled to receive the sum of seventy five hundred dollars or a sum equal to the monthly payments for twenty-four months, whichever is the greater".

Debate ensued.

MOTION

On motion of Senator Mardesich, Substitute Senate Bill No. 2241 was re-referred to the Committee on Labor.

SECOND READING

SENATE BILL NO. 2329, by Senators Bottiger, Gould, Van Hollebeke and Morrison:

Exempting PTA carnivals and certain Reno nights from gambling laws.

The bill was read the second time by sections.

Senator Woody moved adoption of the following amendment:

On page 4, line 11, after "preventing the same." strike the material down through the period on line 17.

Debate ensued.

The motion by Senator Woody failed and the amendment was not adopted.

Senator Pullen moved adoption of the following amendments by Senators Pullen and Cunningham simultaneously:

On page 2, beginning with line 8, strike all the matter down through the period on line 12.

On page 5, line 11, after "*association*" strike all the matter down through "*organization*," on line 13.

On page 11, line 16, strike all of subsection (23).

Debate ensued.

POINT OF INQUIRY

Senator Pullen: "Would Senator Bottiger yield to a question? Could you give me a few examples of some of the amusement games and contests of chance which could be considered under the definition of Reno night?"

Senator Bottiger: "How about stud poker? Out at the grange that I attend you buy so many chips. We have a twenty dollar limit. You cannot spend any more than that for chips. At the end of the evening these chips are numbered and you go in and trade them in for prizes. You cannot get money back. We play all kinds of things out there."

POINT OF INQUIRY

Senator Talley: "Will Senator Bottiger yield to a question? What grange do you belong to?"

Senator Bottiger: "The fifth amendment."

POINT OF INQUIRY

Senator Lewis (R. H. "Bob"): "Would Senator Bottiger yield? Senator Bottiger, I am very serious about this. When you say, you know, you have a twenty dollar limit at your grange, but is there anything that would prohibit a larger limit?"

Senator Bottiger: "There is a five thousand dollar maximum that they can proceed as the total out of. No, I guess that theoretically you could have a larger limit than that. It is designed to limit within the hands of the people that would run those things. Remember who can run them. Now granted, maybe the food bank in Seattle might run a limit where you could buy one hundred dollars to get in, but they could only make five thousand in an evening."

Senator Lewis (R. H. "Bob"): "Would a crap game be considered a contest of chance?"

Senator Bottiger: "Oh yes, roulette and all the rest of those. . . ."

Senator Lewis (R. H. "Bob"): "I expected the answer would be yes, but now let me ask this. Do I understand that this law is written in such a manner that those participants who are winners can take only merchandise? In other words, can we have a crap game and have a five thousand dollar limit under this bill?"

Senator Bottiger: "I would say that you probably could, yes."

Further debate ensued.

POINT OF INQUIRY

Senator Lewis (R. H. "Bob"): "Senator Bottiger, maybe I did not make myself clear, but I understand the House or the sponsoring nonprofit organization can only make five thousand dollars a year, but could I as a participant walk into this contest of chance and win or lose personally five thousand dollars?"

Senator Bottiger: "I guess you could. The only other alternative would be to restrict the prizes to merchandise. But that would knock out an awful lot of the things like fishing derbies. If you remember, Senator Walgren asked that we not amend in the city fishing derby where you give cash prizes to it."

POINT OF INQUIRY

Senator Rasmussen: "Would Senator Bottiger yield to a further question? I told Senator Mardesich this would not take long. Senator Bottiger, does this also provide for the master license for carnivals? Is this the bill that the Gambling Commission submitted?"

Senator Bottiger: "No. This is a bill that was drafted at the request of the PTA's and some of the rural organizations I mentioned, submitted to the Republican caucus attorney who was the expert last time in drafting legislation and told him to draft it narrowly so that we could have a chance of getting by the Governor's office in this restricted area."

Senator Rasmussen: "Senator Bottiger, at the time the Gambling Commission was before the State Government Committee, they informed us that they did have a bill prepared and it was in the House Commerce Committee and they brought a copy of the bill down to the State Government Committee. It covered all of the areas you are talking about and I think two or three more, and was drafted by the Gambling Commission. It possibly is a better bill."

Senator Bottiger: "Senator Rasmussen, what I understand — that is to permit them to go out and hire carnival operators to come in and conduct these carnivals. We are talking about the people-doing-it-themselves-type nights."

The motion by Senator Pullen failed and the amendments were not adopted.

Senator Bottiger moved adoption of the following amendment:

On page 11, line 4, after "*students*" insert "*or any combination thereof,*"

POINT OF INQUIRY

Senator Francis: "Would Senator Bottiger yield? Senator Bottiger, under your amendment, if one particularly active and cooperative teacher decided to form an organization and give it a name by joining with one other person, namely, a parent, and decided to do that separately with each of nine other parents, thereby forming ten different organizations, would each of those ten different organizations have a right to put on an annual fund raiser under this amendment?"

Senator Bottiger: "Senator Mardesich said you are talking about special levy elimination. You will notice that they could, but the entire proceeds of that would have to be used to pay for the private or public school K through 12 program. So it would be restricted. What we were thinking about is the varsity night. Would the faculty and the students be able to put on athletic varsity night and have a raffle to raise funds for that purpose, and the answer would be yes."

On motion of Senator Scott, the following amendment to the amendment by Senator Bottiger was adopted:

Amend the Bottiger amendment to page 11, line 4 as follows: Before "*or*" insert "*,*"

The motion by Senator Bottiger carried and the amendment, as amended, was adopted.

On motion of Senator Bottiger, the rules were suspended, Engrossed Senate Bill No. 2329 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 Senate Bill No. 2329, and the bill passed the Senate by the following vote: Yeas, 32; nays, 12, excused, 5.

Voting yea: Senators Bailey, Beck, Bottiger, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Morrison, Murray, Newschwander, Odegaard, Peterson, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Woody—32.

Voting nay: Senators Benitz, Bluechel, Clarke, Cunningham, Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, North, Pullen, Rasmussen, Wilson—12.

Excused: Senators Buffington, Guess, Keefe, Matson, Washington—5.

ENGROSSED SENATE BILL NO. 2329, having received the 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 Mardesich, the Senate commenced consideration of Senate Bill No. 2210.

SECOND READING

SENATE BILL NO. 2210, by Senators Stortini, Murray and Ridder (by Superintendent of Public Instruction request):

Authorizing fees for optional noncredit extracurricular events of school districts and providing for their disposition.

The bill was read the second time by sections.

On motion of Senator Gould, the following amendment by Senators Gould and Stortini was adopted:

On page 1, after line 20, add a new section as follows: "Sec. 2. Section 1, chapter 52, Laws of 1973 and RCW 28A.58.115 are each amended to read as follows:

As used in this section, an "associated student body" means the formal organization of the students of a school formed with the approval of and regulation by the board of directors of the school district in conformity to the rules and regulations promulgated by the superintendent of public instruction.

The superintendent of public instruction, after consultation with appropriate school organizations and students, shall promulgate rules and regulations to designate the powers and responsibilities of the boards of directors of the school districts of the state of Washington in developing efficient administration, management, and control of [moneys,] records, and reports of the associated student bodies organized in the public schools of the state."

On motion of Senator Stortini, the following amendment by Senators Gould and Stortini to the title was adopted:

On line 1 of the title, after "events;" strike "and" and on line 3 of the title, after "RCW" and before the period, add "; and amending section 1, chapter 52, Laws of 1973 and RCW 28A.58.115".

On motion of Senator Stortini, the rules were suspended, Engrossed Senate Bill No. 2210 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. 2210, and the bill passed the Senate by the following vote: Yeas, 42; nays, 1; absent or not voting, 1; excused, 5.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott,

Morrison, Murray, Newschwander, North, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, Walgren, Wanamaker, Wilson, Woody—42.

Voting nay: Senator von Reichbauer—1.

Absent or not voting: Senator Pullen—1.

Excused: Senators Buffington, Guess, Keefe, Matson, Washington—5.

ENGROSSED SENATE BILL NO. 2210, having received the 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 Mardesich, the Senate commenced consideration of the special order of business, Substitute Senate Bill No. 2235.

SPECIAL ORDER OF BUSINESS SECOND READING

SUBSTITUTE SENATE BILL NO. 2235, by Committee on Local Government:

Allowing certain public utility districts to acquire, construct, operate and add to sewage and sanitation systems.

The time having arrived, the Senate resumed consideration of Substitute Senate Bill No. 2235 on second reading as amended earlier today.

Senator Lewis (Harry) moved adoption of the following amendment:

On page 1, line 7, after "add to" and before "sewage" insert "with the approval of a majority of the qualified voters within any existing sewer district".

POINT OF INQUIRY

Senator Talley: "Would Senator Lewis yield please? Senator Lewis, if I understand your remarks, you are saying that if a sewer district exists and the PUD's are asked to take it over, the majority of the people living in that district must vote for the acquisition by the PUD?"

Senator Lewis (Harry): "Yes. Senator Sellar's amendment was the identical amendment. It came after the word 'acquire'. In other words, you would have to acquire with the approval of the majority of the qualified voters within the existing sewer district. I felt that the construction, operation, and particularly the 'add to.' If you want to add to an existing district under the PUD's, the people within that sewer district should approve it."

Senator Talley: "If I understand you correctly then, it is your intent just those people within an existing district who might be taken over by the PUD?"

Senator Lewis (Harry): "Within the sewer district, in this amendment, yes. I have another amendment that covers the entire district which will be next."

POINT OF INQUIRY

Senator Cunningham: "Would Senator Lewis yield to a question? On this 'with the approval of the majority of qualified voters,' that is different from the way sewer districts are put together now in that the vote is proportionate to the acreage involved, is it not?"

Senator Lewis (Harry): "Yes."

Senator Cunningham: "So this is a change from that?"

Senator Lewis (Harry): "Senator Cunningham, yes, what we are talking about is a sewer district that is already in effect under other statutes. This bill deals with the PUD acquiring such a sewer district or adding to such a sewer district, and I think it is a major change having the PUD come in, and so I felt that it should be a majority of voters within the sewer district. This is the identical amendment that Senator Sellar presented and was approved by the Senate here prior to moving the bill down, when he said, using the same language, that a majority of the qualified voters within any existing sewer district must approve the acquisition of that sewer district by the PUD. This

amendment that I proposed is identical to that and says that if you add on or construct, it broadens it to include all of those items on Section 7."

Senator Cunningham: "Mr. President, to continue with a question to Senator Lewis, at present now you can be in a sewer district, yet you can participate in the annexation of an additional sewer district and there your vote is again proportionate to your square footage, not to the one man one vote. Would this amendment have any impact on that?"

Senator Lewis (Harry): "No."

Senator Cunningham: "Thank you."

Debate ensued.

MOTION

Senator Fleming moved that Substitute Senate Bill No. 2235 be re-referred to the Committee on Local Government.

POINT OF ORDER

Senator Rasmussen: "He made a speech and then attempts to make a motion."

MOTION

Senator Day moved that Substitute Senate Bill No. 2235 be referred to the Committee on Social and Health Services.

RULING BY THE PRESIDENT

The President: "Senator Rasmussen's point was well taken."

Debate ensued.

The motion by Senator Day failed.

MOTION

On motion of Senator Fleming, Substitute Senate Bill No. 2235 was re-referred to the Committee on Local Government.

SECOND READING

SENATE BILL NO. 2343, by Senators Beck, Walgren and Stortini:

Requiring accident reports for bicyclists.

The Senate resumed consideration of Senate Bill No. 2343 as amended earlier today. The following amendment by Senators Newschwander and Francis had been moved for adoption:

Beginning on line 23, strike all of Section 5.

Debate ensued.

The motion by Senator Newschwander carried and the amendment was adopted.

On motion of Senator Beck, the following amendment was adopted:

On line 23, insert a new section 5 as follows:

"*NEW SECTION.* Sec. 5. This amendatory act shall be effective July 1, 1975."

Senator Walgren moved adoption of the following amendment:

On line 18, before "RCW 46.52.035" insert "RCW 46.52.020".

On motion of Senator Walgren, the following amendment to the amendment was adopted:

After "RCW 46.52.020" insert "and".

The motion by Senator Walgren carried and the amendment, as amended, was adopted.

On motion of Senator Beck, the following amendment to the title was adopted:

On line 2 of the title, after "RCW;" insert "and" and after "date" insert a period and strike the remainder of the sentence.

On motion of Senator Beck, the rules were suspended, Engrossed Senate Bill No. 2343 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Cunningham: "Will Senator Beck yield to a question? Senator Beck, we chatted a minute ago. Would this by definition under the word 'bicycle' include tricycles?"

Senator Beck: "I would imagine it would."

Senator Cunningham: "Thank you."

Senator Beck: "The word 'bicycle' does not mean the same as a tricycle, but the object of the bill is to gather facts pertaining to these children who are having problems on the highways. Here is my favorite constitutional lawyer. Maybe he will disagree with me."

Senator Bottiger: "Senator Cunningham, if it has a sixteen inch wheel. It pertains to that. Definition of bicycle in that bill we passed last week."

Senator Cunningham: "Mr. President, I do not know how to do this, but we have a lot of bicycles that do not have sixteen inches in a wheel. And in all seriousness, Senator Bottiger, I would wonder if the definition is that narrow in that a lot of senior citizens are riding what is sold to them as a tricycle and a lot of us ride them with smaller wheels."

Senator Bottiger: "Senator Cunningham, this is a series of bills, as I mentioned before, and the bills defining bicycles and making them subject to rules of the road which went through here a couple of days ago contained a definition of what a bicycle was, and it is a sixteen inch or bigger — is that right? Sixteen inch or bigger wheel within the definition that we are talking about here?"

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2343, and the bill passed the Senate by the following vote: Yeas, 28; nays, 15; absent or not voting, 1; excused, 5.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Clarke, Donohue, Goltz, Gould, Henry, Herr, Jolly, Knoblauch, Mardesich, Marsh, McDermott, Morrison, Murray, North, Rasmussen, Ridder, Sandison, Sellar, Stortini, Talley, Van Hollebeke, Walgren, Wanamaker—28.

Voting nay: Senators Cunningham, Day, Francis, Grant, Jones, Lewis (Harry), Lewis (R. H. "Bob"), Newschwander, Odegaard, Peterson, Pullen, Scott, von Reichbauer, Wilson, Woody—15.

Absent or not voting: Senator Fleming—1.

Excused: Senators Buffington, Guess, Keefe, Matson, Washington—5.

ENGROSSED SENATE BILL NO. 2343, having received the 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

Under suspension of the rules, Senator Mardesich ordered Senate Resolutions 1975 -15 and 16 be placed under the eighth order of business for consideration on Tuesday, March 4, 1975.

MOTION

On motion of Senator Mardesich, the Senate resumed consideration of Second Substitute Senate Bill No. 2048.

SECOND READING

SECOND SUBSTITUTE SENATE BILL NO. 2048, by Committee on Parks and Recreation):

Revising laws on boating.

The Senate resumed consideration of Second Substitute Senate Bill No. 2048, as amended on Saturday, March 1, 1975.

On motion of Senator Peterson, the following amendment was adopted:

On page 4, line 31, after "regulations" insert "pertaining to safe boating".

Senator Mardesich moved adoption of the following amendment:

On page 6, line 33, insert the following new section:

"NEW SECTION. Sec. 9. Neither the Washington state marine council created by this act nor any local authority shall enact or enforce any regulation, ordinance, rule, or law with respect to the operation of vessels licensed for commercial fishing in conflict with the rules and regulations of the Washington state department of fisheries under Title 75 RCW."

Renumber the remaining sections consecutively.

Debate ensued.

The motion by Senator Mardesich carried and the amendment was adopted.

Senator Wanamaker moved adoption of the following amendment:

On page 9, line 4, after "Sec. 12." strike the balance of line 4 and all of line 5, and insert "It shall be unlawful for any person to operate a vessel on the waters of the state of Washington without having aboard evidence of having paid the following fee:".

On motion of Senator Marsh, the following amendment to the amendment by Senator Wanamaker was adopted:

Amend the Wanamaker amendment to page 9, line 4, as follows:

After "fee" and before the colon on the last line of the amendment, insert "if applicable".

The motion by Senator Wanamaker carried and the amendment, as amended, was adopted.

Debate ensued.

Senator Marsh moved adoption of the following amendment:

On page 9, following line 5, insert the following:

"(1) Vessels under twenty feet in length without any motor propulsion machinery shall be exempt from the annual registration fee;"

Renumber the following subsections.

POINT OF INQUIRY

Senator Newschwander: "I wonder if Senator Marsh will yield to a question? What happens if I have a rowboat under twenty feet and I rent it and somebody puts a motor on it? Then who is liable for any action?"

Senator Marsh: "Senator Wanamaker's amendment which we just adopted said, 'It shall be unlawful for any person to operate a vessel on the waters of the state of Washington without having aboard evidence of having paid the following fee.' Now it says 'any person' so the person who put it on would be the culpable party and would be the liable party and would have to pay the fine, in my opinion."

POINT OF INQUIRY

Senator Lewis (Harry): "I wonder if Senator Marsh or Senator Wanamaker would yield to a question? Do I understand it, and my understanding may be incorrect, right now vessels under twenty feet are excluded from the act. Is that correct?"

Senator Wanamaker: "Yes, sir, they are."

Senator Marsh: "My understanding is different, Senator Lewis."

Senator Lewis (Harry): "Now supposing you put a half horse electric motor on a canoe or a rowboat. Are they out of the act now? What I am concerned about is that your amendment, when you include the word 'propulsion' in it, you may in effect be including something that is not already in the act. Can you straighten this out, Senator Wanamaker?"

Senator Wanamaker: "Yes, on page 2, line 10, subsection (3) which defines powered vessels, 'means any motorboat, auxiliary sailboat or other designed in whole or in part for the conveyance and propelled by inboard or outboard combustion, steam or electric machinery.' That is the definition of what is considered as a powered boat. Then

you go over to the page which is in the exemptions that exempts boats under twenty feet without power machinery. So it is already exempt."

Senator Marsh: "Mr. President, referring to page 4, line 12; is the exemption that Senator Wanamaker has referred to which says, 'under twenty feet in length and without any propulsion machinery.' Now that merely exempts you from Section 4 of the bill which says you must get a certificate of number. It does not exempt you from the provisions of the act and it does not exempt you from Section 12 and that is my point and that is why you have got to have it in Section 12, and that is why I am offering this amendment."

POINT OF INQUIRY

Senator Talley: "I wonder if Senator Wanamaker would yield? Senator Wanamaker, I am very concerned about this. If a man had a little twelve foot aluminum skiff that he took out fishing and carried on the top of his car or his trailer, it is light, they weigh about sixty to eighty pounds, the minute he put an engine on there, an outboard on it, he would come under the act, wouldn't he? He would have to register that thing?"

Senator Wanamaker: "Yes, he would, but he also would have to do it right now, Senator Talley, under the 1971 act of the federal and also under the Coast Guard. We tried to take that out and exempt those and we ran head on into the Coast Guard, who immediately got on us and told us we had to put it in."

Senator Talley: "With this then any inland lake then where the Coast Guard do not have any inspection (sic), now they are under it, right?"

Senator Wanamaker: "They do come under the act, yes, as we have it and as we had to put it back in. We had it in the bill at one time."

Senator Talley: "Then you would agree that when we had this house trailer act that gave us so much trouble and everybody that has a little skiff and goes fishing gets picked up, then we will be back here in two years and we will have more trouble than we ever had in our lives."

Senator Wanamaker: "Not only that, but he is going to have trouble anyhow because the Coast Guard or the federal act is going to get him. That is our problem."

The motion by Senator Marsh carried and the amendment was adopted.

Senator Bottiger moved adoption of the following amendment by Senators Bottiger and Rasmussen:

On page 10, beginning on line 34, strike all of subsection (2). Renumber remaining subsection.

Debate ensued.

The motion by Senator Bottiger failed and the amendment was not adopted on a rising vote.

Senator Wanamaker moved adoption of the following amendment:

On page 11, lines 26 and 34, after "section" strike "14" and insert "15".

POINT OF INQUIRY

Senator Woody: "Would Senator Wanamaker yield? The language says 14, subparagraph (2). Is that 15 subparagraph (2) or just 15 now?"

Senator Wanamaker: "It should read Section 15."

On motion of Senator Mardesich, the following amendment to the amendment by Senator Wanamaker was adopted:

On line 2 of the amendment to page 11, lines 26 and 34, after "14" insert "(2)".

The motion by Senator Wanamaker carried and the amendment, as amended, was adopted.

Senator Van Hollebeke moved adoption of the following amendment:

On page 12, beginning on line 6, strike all of Section 17. Renumber remaining sections.

Debate ensued.

POINT OF INQUIRY

Senator Lewis (Harry): "Would Senator Knoblauch yield to a question? Senator

Knoblauch, I have a twenty-eight foot sailboat that will sail about twelve knots and it weighs about five tons and it takes a tremendous skill to operate safely in high winds. Why did you provide for training only for minors under sixteen for powered vessels and not for sailboats? It seems to me that you discriminated here quite sharply and I am wondering what the reason was."

Senator Knoblauch: "Senator, I am going to have to admit that I do not know the answer and I am going to ask Senator Wanamaker if he does."

Senator Clarke: "I did not participate, but I can assume that when you are talking about the probability of inflicting danger upon others, obviously the main hazard has to do with the operation of these very high speed hot rods. Now a sailboater, and I would agree with Senator Lewis, who is not well trained can probably cause substantial damage to himself, but it is extremely rare. You do not find swimmers swimming out there in the kind of a wind he is talking about, to get run over, and sailboats have the right-of-way anyway. So rather than prolong the debate, I think the bill was well conceived and I would join in urging that you defeat the present proposed striking of that wording."

Debate ensued.

The motion by Senator Van Hollebeke failed and the amendment was not adopted.

POINT OF INQUIRY

Senator Mardesich: "I wonder if Senator Wanamaker would yield to a question? Senator Wanamaker, looking to page 10, section 14, this was the section which we have already been speaking about, when you are in a collision you have to do certain things, stop to give aid and so on and so forth, including on line 7, on page 11, the operator has to give a report of any such marine accident. Now on line 25 on page 10, it says 'involved in a collision, accident or other casualty,' and it does not specify how those items are defined. A collision, I assume, could be where one boat bounces up against another and that happens about every time you dock a boat. I am wondering whether after the word 'casualty' on line 25 we should not have some language that might read, 'where apparent damage or injury is sustained,' and I wonder whether that same language should not go on line 8 on page 11 after the words, 'a marine accident' because otherwise it would seem that you would have to report every touching rather than any accident where there was actual damage or apparent damage or injury sustained."

Senator Wanamaker: "We certainly would not object to any such language. However, I would say maybe we had ought to put a dollar amount in there then so there would be some guidelines as to how serious it had to be before they had to go report it."

Senator Mardesich: "At least we should put something. I do not know about the dollar amount. I do not know how you put a dollar amount if you bumped into a person. Ask him if he is hurting twenty-five dollars worth, I guess. But nevertheless I think we should, and Mr. President, if there are no further amendments on the desk I would offer these two oral amendments."

Senator Mardesich moved adoption of the following amendments to be considered simultaneously:

On page 10, line 25, after "casualty" insert "when apparent damages or injuries are sustained".

On page 11, line 8, after "accident" insert "when apparent damages or injuries are sustained".

POINT OF INQUIRY

Senator Talley: "Would Senator Mardesich yield to a question? How are you going to word 'apparent damage'? Most of the time your damage to a boat is under water. It is not apparent."

Senator Mardesich: "Well, if you bumped into the boat I assume that some damage would show. If the planking is stowed, that would be obvious. If there was a hole in the hull, that would be obvious. If there was something bent or broken, that would be obvious. But at least there would have to be some evidence of damage. Or I suppose if you bumped up against some fellow who was particularly concerned about his vessel, I

know I run into people like that, if you just lie up against them lightly they get excited. And I would assume then he would cite you for failure to report."

The motion by Senator Mardesich carried and the amendments were adopted.

On motion of Senator Marsh, the following amendment was adopted:

On page 9, line 17, strike all of subsection (5) and renumber remaining subsections consecutively.

On motion of Senator Knoblauch, the rules were suspended, Second Substitute Senate Bill No. 2048 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 Walgren: "Would Senator Wanamaker yield to a question please? This is the question I was attempting to ask the other day, Senator Wanamaker. I note that in the material that was left on our desks there are a number of endorsements from various boating clubs throughout the state of Washington. My concern is, what contact was made with the non-organized boaters, specifically those small boats that are engaged in sport salmon fishing, for instance, in our particular areas, where the usual size of the boat would be something in the neighborhood of about fifteen feet, perhaps, and maybe a forty horse outboard motor and thereby be required to pay about ten dollars registration fee, what contact was made with them?"

Senator Wanamaker: "There was a great deal of contact made with them, Senator Walgren, in that we worked with the Sportsmen's Council. After we came down to session, in fact, and went over this bill which we hoped at that time was the last time, which it was not, we kept them informed completely all through the process of writing up this bill. At that time we sent out over four hundred copies of the bill telling them what it was and we sent it to sportsmen's clubs and sports groups, to yacht clubs, all over the state. And if they were not informed I do not know why, because we certainly put forth the effort. That was one of the big things that we did with this particular bill in that we went out to inform the boaters as to what we were trying to do. In the first place, if they wanted it. They said they did and wanted to work with us in order to bring about a boating bill. So I would say that they have been very well informed all through the process of making this bill. If they were not, it certainly was not our fault that they did not get it because we tried and I am sure they did."

Further debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "I would like to ask Senator Wanamaker a question if he would yield. Senator Wanamaker, as Senator Murray so often says, let us put this in perspective and he gets me all confused. I just got one of his explanations here on the pension bill and I really do not — but, my boat is a sixteen footer. I was concerned when I heard Senator Walgren speak of this fifteen boat out there that goes out fishing. Senator Clarke's boat is forty feet. So as I understand it, I would have to register every year with my boat."

Senator Wanamaker: "If you have a motor on it."

Senator Rasmussen: "Yes, we are assuming they both have motors. With this, what is the difference between the cost — under the Coast Guard at the present time, as I understand, you only have to register every three years and the cost is how much?"

Senator Wanamaker: "As I understand it, six dollars."

Senator Rasmussen: "Six dollars. All right. That takes me for three years. Under this bill what would it cost?"

Senator Wanamaker: "Your sixteen foot boat with a motor on it, you would title it once; one time it will be titled for two dollars, titled similar to your car title."

Senator Rasmussen: "Then your annual registration fee on your boat would be ten dollars. Each year I would pay ten dollars or a total of thirty dollars for the same thing that I can get from the Coast Guard now for six dollars."

Senator Wanamaker: "That is if you do not pay your personal property tax. If you are getting out of that why then you are cheating the law."

Senator Rasmussen: "Assuming that I paid the personal property tax and it would amount to five dollars a year because it is a very inexpensive boat, you can poke your finger through it any place and they do not value them very highly. Then let us move over to Senator Clarke's forty foot boat and at the present time — well, some other forty foot boat then if Senator Clarke sank his — how much would it cost for that boat? Forty foot, we will assume."

Senator Wanamaker: "I do not know how big a boat he has."

Senator Rasmussen: "It is a little bit bigger, but I am being modest."

Senator Wanamaker: "It would be ten dollars plus a dollar a foot over twenty feet."

Senator Rasmussen: "So it would only cost him thirty dollars."

Senator Wanamaker: "If it is a forty foot boat."

Senator Rasmussen: "Somehow or other, I think, Senator Wanamaker, you rang the full astern bell. It does not seem that this has very much balance at all as far as cost is concerned, and I was right on the point of voting for it. I am glad I am not going to now."

Further debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Second Substitute Senate Bill No. 2048, and the bill failed to pass the Senate by the following vote: Yeas, 22; nays, 23; excused, 4.

Voting yea: Senators Bailey, Benitz, Bluechel, Clarke, Donohue, Goltz, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (R. H. "Bob"), Marsh, Matson, Morrison, Murray, North, Pullen, Ridder, Scott, Sellar, Wanamaker—22.

Voting nay: Senators Beck, Bottiger, Cunningham, Day, Fleming, Francis, Gould, Grant, Lewis (Harry), Mardesich, McDermott, Newschwander, Odegard, Peterson, Rasmussen, Sandison, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wilson, Woody—23.

Excused: Senators Buffington, Guess, Keefe, Washington—4.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 2048, having failed to receive the constitutional majority, was declared lost.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Lewis (Harry) moved that the Senate immediately reconsider the vote by which Engrossed Second Substitute Senate Bill No. 2048 failed to pass the Senate.

PARLIAMENTARY INQUIRY

Senator Bailey: "Mr. President, we would like to reconsider and put it back in committee, but I have to ask the question, do we have to vote on reconsideration before we make a motion to put it back in committee?"

Senator Lewis (Harry): "Mr. President, it would seem to me that we have disposed of the bill and unless we vote to reconsider, it is not before us; and my purpose in moving to reconsider was to bring the bill back before the body."

Senator Bailey: "Mr. President, the only reason I raise this is that there is an awful lot of work gone in on this bill and I think there are some members absent and it was not a matter of going down to resounding defeat or anything like that. If we could get a motion to reconsider and get the bill properly before us, I would then move to refer it to committee, but I wanted to explain that so that you would not be facing a vote today."

PARLIAMENTARY INQUIRY

Senator Rasmussen: "Isn't it possible to rejuvenate this bill in the special session if anybody wants it rejuvenated?"

REPLY BY THE PRESIDENT

The President: "Depending on the closing resolution, Senator, it is possible. That is, if the motion to reconsider is acted upon favorably by the Senate."

PARLIAMENTARY INQUIRY

Senator Mardesich: "A vote no at this moment succeeding or carrying a majority would lay this issue to rest?"

REPLY BY THE PRESIDENT

The President: "It would defeat the bill, in essence, Senator Mardesich."

The motion by Senator Lewis (Harry) that the Senate immediately reconsider the vote by which Engrossed Second Substitute Senate Bill No. 2048 failed to pass the Senate carried on a rising vote.

MOTION

Senator Bailey moved that Engrossed Second Substitute Senate Bill No. 2048 be returned to the Committee on Parks and Recreation.

POINT OF ORDER

Senator Cunningham: "According to the rules, it is my understanding that a motion to reconsider is a privileged rule and does not give way to incidental motions under which a motion to suspend the rules and return to committee would fall."

RULING BY THE PRESIDENT

The President: "Senator, when the Senate acted favorably upon the motion to reconsider, the bill returned on final passage before the body and it is up to the body to decide what they wish to do with the bill. If they wish to refer it to the committee, they may do so. If they wish to take a vote, they may do so."

Debate ensued.

REMARKS BY THE PRESIDENT

The President: "Simply put, the measure, once the Senate acted favorably upon the motion to reconsider, the bill was before the Senate on final passage."

The motion by Senator Bailey carried. Engrossed Substitute Senate Bill No. 2048 was returned to the Committee on Parks and Recreation.

POINT OF INQUIRY

Senator Jolly: "Would Senator Mardesich yield? My committee meets only on Friday mornings. Is that too late, Senator Mardesich, to pass out bills?"

Senator Mardesich: "You have until ten a.m. or eleven, whichever time we come in, to have them brought to the floor and for reading in Friday morning."

Senator Jolly: "Thank you."

POINT OF INQUIRY

Senator Rasmussen: "Would Senator Mardesich yield to a further question? Our leader, I have scheduled a meeting of the State Government Committee, not as powerful as Parks, but it is scheduled for Wednesdays and Fridays. Now here is the problem. Last week we cancelled out State Government meeting on Friday and Monday, today. We do have a number of bills that some people may be interested in. The Chairman likes to oblige. Would not it be possible for us to go ahead with our meetings that are all scheduled and hold a night session on Friday evening when there are no meetings scheduled?"

Senator Mardesich: "The only problem with that, Senator Rasmussen, is that would require a weekend session."

Senator Rasmussen: "It will improve our image."

Senator Mardesich: "I am afraid there is not too much we are able to do about that, Senator Rasmussen."

Senator Rasmussen: "What I was trying to find out is that all the committees are scheduled now for the rest of this week and it throws them off."

Senator Mardesich: "There is this action you might take. A hearing on that bill and getting it into Rules would have it in Rules for the next session so that you will not have wasted your time that Friday evening if you do have a meeting."

Senator Rasmussen: "Mr. President, could you advise Senator Mardesich which bills we will be considering at what time when the next session is called, if there is one?"

Senator Mardesich: "I had some hopes that the Governor might not call a special session, but I am afraid he will."

Senator Rasmussen: "We will consider all bills then?"

Senator Mardesich: "We will be considering those measures which have been introduced, yes."

POINT OF INQUIRY

Senator Lewis (Harry): "I wonder if the majority leader would yield to a question? Senator Mardesich, there are a number of people who are concerned about the supplemental budget and some of the items that are in it. I realize we have a lot of pressing matters before us, but I wonder if you could let us know when you plan to consider the supplemental budget, or at least start hearings on that bill."

Senator Mardesich: "It is, of course, a matter for the chairman of the Ways and Means to make the determination as to — I would assume that he plans to have some meetings with respect to the supplemental. I would assume also that he intends to be very deliberative, from what I have heard him say and read in the papers. I have no objection to the Senate being a deliberative body."

Senator Lewis (Harry): "Perhaps the chairman of Ways and Means would then care to respond to this. Senator Donohue, the supplemental budget has been over from the House a number of days. We are anxious — I would just like to know when you plan to start hearing it."

Senator Donohue: "Mr. President, in answer to you, Senator Lewis, the supplemental budget has been before this body. It came to this chamber on Friday last. The House had the budget before them for approximately six weeks. Like Senator Rasmussen, the Ways and Means Committee is deliberating and we intend to move forward in our deliberative way and we will be considering the supplemental in hearings. There are no meetings scheduled as yet, as you well know, Senator. We have a five-day schedule that we are trying to adhere to and so it probably will not occur this coming week, but probably next week. Some time next week, Senator."

MOTION

On motion of Senator Mardesich, the Senate returned to the fourth order of business.

MESSAGE FROM THE HOUSE

March 3, 1975.

Mr. President: The Speaker has signed:

HOUSE JOINT MEMORIAL NO. 7,

HOUSE JOINT MEMORIAL NO. 8, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:

HOUSE JOINT MEMORIAL NO. 7,

HOUSE JOINT MEMORIAL NO. 8.

MOTIONS

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

On motion of Senator Mardesich, all bills remaining on today's calendar, with the exception of Senate Bill No. 2159, were re-referred to the Committee on Rules.

At 5:06 p.m., on motion of Senator Mardesich, the Senate adjourned until 11:00 a.m., Tuesday, March 4, 1975.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

FIFTY-FIRST DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, March 4, 1975.

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 Bottiger, Gould, Herr, Odegaard and Wanamaker. On motion of Senator Lewis (R. H. "Bob"), Senators Gould and Wanamaker were excused. On motion of Senator Knoblauch, Senators Herr and Odegaard were excused. There being no objection, Senator Bottiger was excused.

The Color Guard, consisting of Pages Debra Browne and Jeffrey Jacobsen, presented the Colors. Reverend David Krantz, associate minister of Associated Churches of Olympia, offered the following prayer:

"O LORD, OUR GOD, HOW MARVELOUS IS YOUR CREATION, HOW VARIED, HOW RICHLY BLESSED WITH DISTINCTIVENESS AND MULTITUDINOUS FORMS. THE FRUITS OF THE FIELDS AND TREES REVEAL THE MYSTERIES OF YOUR EXPANSIVE MIND FROM THE FIBROUS SWEETNESS OF THE PEAR TO THE TART JUICES OF THE YELLOW AND PINK GRAPEFRUIT, FROM THE DELICIOUS CRISPNESS OF THE RUBY COLORED APPLE TO SMOOTH, RICH GREEN OF THE AVOCADO. HOW YOU HAVE TOUCHED THE EARTH WITH THESE VARIETIES AND YET THE MEDLEY OF DIFFERENCES IS MUSIC TO OUR TASTES AND JOY TO OUR HEARTS. WE, TOO, LORD COME FROM DIFFERENT PLACES, COLORED WITH HUES OF DIFFERENT ETHNIC ORIGINS, SOME ENGLISH, SOME AFRICAN, SOME CHINESE, SOME POLISH, SOME GERMAN, SOME LATIN AMERICAN. WE COME ENRICHED BY DIFFERENT PATHS OF EXPERIENCE; IN LAW, IN BUSINESS, IN TEACHING, IN OUR DIFFERENT FAMILY TRADITIONS AND STYLES. WE COME SHAPED BY OUR DIFFERENT INTERESTS AND IDEAS, OUR SUCCESSES AND OUR FAILURES, OUR JOYS AND OUR BITTERNESSES. WE ASK THIS DAY THAT OUR DECISIONS MAY BE ENRICHED BY THE MANIFOLD COLORS OF OUR DISTINCTIVE QUALITIES AND CONTRIBUTIONS AND THAT OUR HEARTS MAY BE ENLARGED BY THE SAVORING OF THE VARIETY OF PERSONS GATHERED HERE AND THAT OUR JOY MAY BE DEEPENED BY THE MEDLEY OF OUR DIFFERENCES COMING TOGETHER TO SERVE YOU AND OUR FELLOW HUMAN BEINGS. AMEN."

MOTION

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

REPORTS OF STANDING COMMITTEES

March 4, 1975.

ENGROSSED HOUSE BILL NO. 17, providing law libraries for seventh and eighth class counties (reported by Committee on Local Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Fleming, Chairman; Jolly, Lewis (R. H. "Bob"), McDermott, North, Sellar, Talley, Wilson.

Passed to Committee on Rules for second reading.

March 4, 1975.

ENGROSSED HOUSE BILL NO. 124, authorizing the department of natural resources to grant cutting permits for firewood for timber on state lands (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass.

Signed by: Senators Peterson, Chairman; Beck, Bluechel, Pullen, Sandison, Talley.

Passed to Committee on Rules for second reading.

March 4, 1975.

HOUSE BILL NO. 127, increasing tax per television set in TV reception improvement districts (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Fleming, Chairman; Jolly, Lewis (R. H. "Bob"), McDermott, North, Sellar, Talley.

Passed to Committee on Rules for second reading.

March 4, 1975.

ENGROSSED HOUSE BILL NO. 276, authorizing municipal corporations and political subdivisions to purchase liability insurance for their officers, agents and employees (reported by Committee on Local Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Fleming, Chairman; Jolly, Lewis (R. H. "Bob"), McDermott, North, Sellar, Wilson.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE LIEUTENANT GOVERNOR

March 3, 1975.

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON.
LEGISLATIVE BUILDING
OLYMPIA, WASHINGTON 98504

LADIES AND GENTLEMEN:

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

Clinton De Gabrielle, appointed November 26, 1973 for the duration of the Washington State Data Processing Authority, as the Executive Director of the Washington State Data Processing Authority.

Sincerely,

JOHN A. CHERBERG, Chairman
Washington State Data Processing Authority.

Referred to Committee on State Government

MESSAGES FROM THE HOUSE

March 3, 1975.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2097, and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

March 3, 1975.

Mr. President: The House has passed:
 ENGROSSED HOUSE BILL NO. 251,
 HOUSE BILL NO. 307,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 395,
 ENGROSSED HOUSE BILL NO. 537,
 SUBSTITUTE HOUSE BILL NO. 593, and the same are herewith transmitted.
 DONALD R. WILSON, Assistant Chief Clerk.

March 3, 1975.

Mr. President: The House has passed:
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 29,
 SUBSTITUTE HOUSE BILL NO. 66,
 HOUSE BILL NO. 114,
 ENGROSSED HOUSE BILL NO. 140,
 ENGROSSED HOUSE BILL NO. 158,
 SUBSTITUTE HOUSE BILL NO. 204,
 ENGROSSED HOUSE BILL NO. 205,
 ENGROSSED HOUSE BILL NO. 474,
 HOUSE JOINT MEMORIAL NO. 6, and the same are herewith transmitted.
 DEAN R. FOSTER, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:
 SENATE BILL NO. 2097.

INTRODUCTION AND FIRST READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 29, by Committee on State Government (originally sponsored by Representatives Shinpoch, Chatalas, Conner, Fortson and Gaines):

Making the gambling commission independent of the department of motor vehicles.

Referred to Committee on State Government.

SUBSTITUTE HOUSE BILL NO. 66, by Judiciary Committee (originally sponsored by Representatives Nelson, Haley, Matthews and Bond):

Authorizing arrest on reasonable belief of persons driving while intoxicated and involved in an accident.

Referred to Judiciary Committee.

HOUSE BILL NO. 114, by Representatives Sommers, Eikenberry, Randall, Brown, Zimmerman and North:

Removing mandatory tuberculosis expenditure requirements.

Referred to Committee on Social and Health Services.

ENGROSSED HOUSE BILL NO. 140, by Representatives Bagnariol, Becker, Charnley, Cochrane, Fischer, Hayner, Laughlin, Martinis, McCormick and McKibbin:

Abolishing pay toilets and requiring certain places of public accommodation to have free public toilet facilities.

Referred to Committee on Social and Health Services,

ENGROSSED HOUSE BILL NO. 158, by Representatives Curtis, Charette, Schumaker, Kilbury, Tilly, Paris, Haussler, Savage, Conner, Hayner, Amen, Patterson, Thompson and Bauer:

Authorizing second and third class school districts to provide housing for superintendents thereof and validating prior commitments therefor.

Referred to Committee on Education.

SUBSTITUTE HOUSE BILL NO. 204, by Committee on Ways and Means-Revenue (originally sponsored by Representatives Thompson, Curtis and Chatalas):

Eliminating motor vehicle fuel tax refunds presently available for watercraft.

Referred to Committee on Ways and Means.

ENGROSSED HOUSE BILL NO. 205, by Representatives Brown, Bauer and Erickson:

Redesignating intermediate school districts with their attendant boards and officials, as educational service districts.

Referred to Committee on Education.

ENGROSSED HOUSE BILL NO. 251, by Representatives Wojahn, Lee, McCormick, North, Shipoch, Bagnariol, Perry, Maxie, Bauer, Erickson, Cochrane, Becker, Sommers, Sherman, Fortson, Valle, Charnley, Kilbury, Laughlin and Williams:
Creating the Washington state women's council.

Referred to Committee on State Government.

HOUSE BILL NO. 307, by Representatives Douthwaite, Peterson, Blair and Paterson:

Repealing prohibition against sale of liquor on the University of Washington campus.

Referred to Committee on Higher Education.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 395, by Committee on Social and Health Services (originally sponsored by Representatives Charnley, Brown, Chatalas, Pardini, Wojahn, Chandler, Hawkins, Sherman, Williams, Haley, Matthews, Hansen, Perry, McCormick, Bender, Savage, Adams, Parker, Wilson and Dunlap):

Providing an anatomical gift form on each driver's license.

Referred to Committee on Social and Health Services.

ENGROSSED HOUSE BILL NO. 474, by Representative Charette:

Authorizing cities to provide ambulance services and impose taxes for the support thereof.

Referred to Committee on Local Government.

ENGROSSED HOUSE BILL NO. 537, by Representatives Bender, Haley and King (by Superintendent of Public Instruction request):

Authorizing school districts to delegate their authority for investment of certain school funds not immediately needed.

Referred to Committee on Education.

SUBSTITUTE HOUSE BILL NO. 593, by Committee on Constitution and Elections (originally sponsored by Representatives King, Brown and Charette):

Permitting vote by absentee ballot for persons not making their original registration before 30 days prior to an election or primary.

Referred to Committee on Constitution and Elections.

HOUSE JOINT MEMORIAL NO. 6, by Representatives Kilbury, Boldt, Wojahn, Charnley, Cochrane, Douthwaite, Perry, Fortson, North, Maxie, Valle, Bausch, Becker, Sherman, Williams, Hawkins, Moreau, Hanna, Thomson, Hurley (George), Lee,

Brown, Laughlin, Moon, Sommers, Erickson, Smith (Rick), Bauer, Ceccarelli, Knowles, King, Bagnariol, Savage, Eng, Warnke, Shinpoch, Chatalas, Seeberger, McKibbin, Randall, Blair and Kalich:

Memorializing Governors and Legislatures of the states that have not ratified the equal rights amendment.

Referred to Judiciary Committee.

MOTIONS

On motion of Senator Van Hollebeke, the Committee on Higher Education was relieved from further consideration of House Bill No. 307.

On motion of Senator Van Hollebeke, House Bill No. 307 was referred to the Committee on Commerce.

At 11:15 a.m., on motion of Senator Mardesich, the Senate recessed until 12:20 p.m.

AFTERNOON SESSION

The President called the Senate to order at 12:20 p.m.

SECOND READING

SENATE BILL NO. 2159, by Senators Walgren, Wanamaker and Bottiger:
Pertaining to motor vehicle fuel taxes.

MOTIONS

On motion of Senator Walgren, Substitute Senate Bill No. 2159 was substituted for Senate Bill No. 2159, and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Marsh, the following amendment was adopted:

On page 7, following section 3, insert a new section to read as follows:

"*NEW SECTION.* Sec. 4. There is added to chapter 82.36 RCW a new section to read as follows:

The variable motor fuel tax rates imposed by section 3 of this act, the revenues produced thereby, and their effect upon the motor vehicle fuel tax consumers of the state of Washington shall be reviewed by the transportation and utilities committees of the house of representatives and of the senate of the Washington state legislature during the interim between the adjournment of the 44th session and the ensuing 45th session of the legislature. The committees shall report their findings and recommendations for changes, if any, to the 45th session of the legislature."

Renumber the following sections.

MOTION

At 12:30 p.m., on motion of Senator Mardesich, the Senate recessed until 1:30 p.m.

SECOND AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.

Senators Walgren, Bottiger and Jolly 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 Herr, who had been previously excused.

MOTION

On motion of Senator Walgren, the Senate proceeded under the Call of the Senate.

SECOND READING

SUBSTITUTE SENATE BILL NO. 2159, by Committee on Transportation and Utilities (originally sponsored by Senators Walgren and Bottiger):

Pertaining to motor vehicle fuel taxes.

The Senate resumed consideration of Substitute Senate Bill No. 2159, as amended by Senator Marsh prior to the noon recess.

On motion of Senator Marsh, the following amendment to the title was adopted:

In line 16 of the title after "adding" strike "a" and on line 17 strike "section" and insert "sections".

On motion of Senator Walgren, the rules were suspended, Engrossed Substitute Senate Bill No. 2159 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Morrison: "Would Senator Walgren yield to a question? Senator Walgren, I am not quite used to the procedure that we are following here in that we are voting supposedly for a tax source before we have had a chance to really look in detail at the budget that would be supported by that tax. I would like to have your assurance, for the record, first of all that in the proposed budget there will be a reduction in the number of Department of Highway employees, that funding will be to maintain existing roads, and that the other funds derived from this gas tax increase will be used to match federal funds at not less than a twenty-five seventy-five ratio."

Senator Walgren: "Taking your questions in reverse order, yes, the purpose of the bill is to provide that matching funding and as has been pointed out in the various committee hearings that we have had, even with the passage of this bill we are going to be somewhat short with regard to the Highway Commission's proposed program.

"Secondly, even with the passage of this bill, we will continue to reduce the staff of the Highway Department. The staff is down nearly nine hundred since fiscal year 1971. Additional decreases are programmed at about a twelve percent reduction or five hundred and eighteen people under the Highway Commission's proposal.

"Your last question, yes, there are some projects that by a stretch of the imagination I suppose that you could say are new programs or new highways that are involved that will require additional funding beyond this bill that we are talking about now. This bill will provide simply the maintenance of our existing rather substantial investment that we have in the highway system."

Debate ensued.

POINT OF INQUIRY

Senator Newschwander: "Mr. President, I wonder if Senator Walgren will yield? I have heard time and time again, I heard you say we only had twenty or twenty-one million dollars for new construction. Where is the omnibus highway budget? Have you had any hearings on that so that we definitely know that this money is needed?"

Senator Walgren: "If you are talking about the budget bill for the Highway Department, that is in preparation on the House side, which is the tradition. We prepared the budget last time. One thing about this particular bill is for the first time, I think, we will be able to aim at a target of expenditures and be able to make a determination and really see where the money is going and be able to either provide for it or not provide for it, and have the Highway Department operate accordingly. I expect that that bill will be over here in the next few weeks."

Senator Newschwander: "The thing that bothers me is that I can think back to 1967 when I was in the House, we raised the sales tax two-tenths of one percent, raised forty million dollars they said that we needed to balance the budget. When I came back two years later, we had a surplus of over the forty million dollars. And I feel kind of ridiculous today standing here and voting for a tax measure when I am not positive that there might not be other means to finance the crunch you are in. And so, nobody else has stood up here and had any opposition to this, so I am going to vote no until I see something different on this measure."

Senator Walgren: "Senator Newschwander, one of the unique aspects of this particular bill is the variability of it and the fact that if the expenditures are not needed, then there is not any necessity of raising the tax. As a matter of fact, if we have a situation where we have additional funds that we did not think we were going to have, a windfall for instance, then the tax can go down and I would suggest to you that this is going to be one of the very few times where we provide that the tax can go down automatically rather than just keep going up."

Senator Newschwander: "Just one short comment. I have never seen this body reduce a tax at any time. I do not believe the Highway Department will leave the tax where it is if it is available to them."

Further debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2159, and the bill passed the Senate by the following vote: Yeas, 26; nays, 22; excused, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bottiger, Clarke, Donohue, Fleming, Francis, Goltz, Guess, Henry, Jolly, Jones, Knoblauch, Lewis (Harry), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Odegaard, Sellar, Stortini, Walgren, Wanamaker—26.

Voting nay: Senators Bluechel, Buffington, Cunningham, Day, Gould, Grant, Keefe, Lewis (R. H. "Bob"), Newschwander, North, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Talley, Van Hollebeke, von Reichbauer, Washington, Wilson, Woody—22.

Excused: Senator Herr—1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2159, having received the 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 Mardesich, the Senate advanced to the eighth order of business.

On motion of Senator Mardesich, the Senate dispensed with the Call of the Senate.

On motion of Senator Lewis (Harry), Senate Resolutions 1975-15 and 16 were ordered held on the eighth order of business for Wednesday, March 5, 1975.

At 2:26 p.m., on motion of Senator Mardesich, the Senate adjourned until 11:00 a.m., Wednesday, March 5, 1975.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

FIFTY-SECOND DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, March 5, 1975.

The Senate was called to order at 11:00 a.m., by President Cherberg. The President declared the Senate to be at ease. The President called the Senate to order at 11:28 a.m. The Secretary called the roll and announced to the President that all Senators were present except Senator Herr. On motion of Senator Knoblauch, Senator Herr was excused.

The Color Guard, consisting of Pages Helen Gilchrist and Jeff Brandenburg, presented the Colors. Reverend David Kratz, associate minister of Associated Churches of Olympia, offered the following prayer:

“O LORD, WHOSE WISDOM HOLDS OUR BEGINNINGS AND OUR ENDINGS AND WHOSE PRESENCE PERMEATES OUR MOMENTS AND OUR SPACES AND WHOSE VOICE SURPRISES US WITH ITS IMMEDIACY, WE PAUSE TO TOUCH THE STILLNESS OF YOUR CENTERING OF OUR EXISTENCE. WE ARE A PEOPLE LORD, IMPRESSED WITH BIGNESS, LOUDNESS AND EXTRAVAGANCE, YET IN THESE QUIET MOMENTS OF REFLECTION, WE ARE AWARE OF OTHER VOICES WHICH PIERCE THROUGH THE WALLS OF DEFENSE WE ERECT AROUND US; THE QUIET SOUNDS OF THE EARTH AND ITS CREATURES PLEADING FOR LIFE AGAINST THE TORRENT OF TECHNOLOGY, THE TEARS OF THE TORMENTED MOTHER WITHOUT FOOD FOR HER SON, THE ANGUISH OF THE MAN FRUSTRATED BY PREJUDICE AND STIFLED BY INDIFFERENCE, THE PAIN OF THE COLLEAGUE WHO ERRS. KEEP US SENSITIVE TO YOUR VOICE WHEREVER WE HEAR IT, AND HELP US TO BE FAITHFUL TO YOUR LOVE HOWEVER WE CAN EXPRESS IT. AMEN.”

MOTION

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

REPORTS OF STANDING COMMITTEES

March 4, 1975.

SENATE BILL NO. 2129, enacting the uniform duties to disabled persons act (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; von Reichbauer, Vice Chairman; Buffington, Cunningham, Goltz, McDermott, North, Pullen.

Passed to Committee on Rules for second reading.

March 4, 1975.

SENATE BILL NO. 2440, requiring the board of prison terms and paroles to take action by either a majority or two-thirds majority in certain cases (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; von Reichbauer, Vice Chairman; Buffington, Cunningham, Goltz, Gould, McDermott, North, Pullen, Ridder.

Passed to Committee on Rules for second reading.

March 4, 1975.

HOUSE BILL NO. 119, exempting dealer or manufacture campers from licensing

requirements under stated conditions (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass.

Signed by: Senators Walgren, Chairman; Beck, Benitz, Bottiger, Guess, Jolly, Lewis (R. H. "Bob"), Morrison, Sellar, Wanamaker.

Passed to Committee on Rules for second reading.

March 5, 1975.

ENGROSSED HOUSE BILL NO. 138, including third class school districts within second class district category and enlarging scope of first class district classification (reported by Committee on Education):

Recommendation: Do pass.

Signed by: Senators Stortini, Chairman; Francis, Gould, McDermott, Murray, Newschwander, von Reichbauer.

Passed to Committee on Rules for second reading.

March 4, 1975.

HOUSE BILL NO. 160, fixing maximum maturity of certificates of deposit by mutual savings banks at six years (reported by Committee on Financial Institutions):

MAJORITY recommendation: Do pass.

Signed by: Senators Woody, Chairman; Bluechel, Clarke, Jones.

Passed to Committee on Rules for second reading.

March 4, 1975.

ENGROSSED HOUSE BILL NO. 279, providing for support of adoption of hard to place children (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; von Reichbauer, Vice Chairman; Buffington, Francis, Goltz, Gould, McDermott, North, Pullen, Ridder, Van Hollebeke.

Passed to Committee on Rules for second reading.

March 5, 1975.

ENGROSSED HOUSE BILL NO. 406, authorizing retired teachers to have health insurance premiums deducted from their retirement allowance (reported by Committee on Education):

MAJORITY recommendation: Do pass.

Signed by: Senators Stortini, Chairman; Francis, Gould, McDermott, Murray.

Passed to Committee on Rules for second reading.

March 5, 1975.

ENGROSSED HOUSE BILL NO. 537, authorizing school districts to delegate their authority for investment of certain school funds not immediately needed (reported by Committee on Education):

MAJORITY recommendation: Do pass.

Signed by: Senators Stortini, Chairman; Francis, Gould, Murray, Newschwander, von Reichbauer.

Passed to Committee on Rules for second reading.

SECOND READING

ENGROSSED HOUSE JOINT RESOLUTION NO. 19, by Representatives O'Brien, King, Pardini, Bagnariol, Flanagan, Chandler, Knowles, Kuehnle, McCormick, Freeman, Parker, Paris, Perry, Lysen, Zimmerman, Berentson, Wojahn, May, Gallagher, Matthews, Peterson, Chatalas, Kalich, Bond, Whiteside, Barnes, Leckenby, North, Ceccarelli, Becker, Seeberger, Maxie, Hurley (George), Bauer, Thompson,

Hurley (Margaret), Bausch, Curtis, Kraabel, Hayner, Eng, Gilleland, Schumaker, Kilbury, Smith (Ed) and Warnke (by Executive request):

Proposing constitutional amendment allowing legislature to provide assistance to all private and public school students.

The resolution was read the second time in full.

On motion of Senator Stortini, the rules were suspended, Engrossed House Joint Resolution No. 19 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

POINT OF INQUIRY

Senator Woody: "Would Senator Grant yield? Senator Grant, what was the significance in the committee hearings on this measure for the selection of the word 'for' on lines 11 and 12 where it says 'for students' instead of the word 'to'?"

Senator Grant: "Senator Woody, I am not a member of the committee. I sat in on the meetings of the committee and I understand from the press that I was recorded as abstaining. Well, I am not even a committee member. This issue was raised in the committee and I think for the purpose of legislative intent, the question should be answered. To satisfy a large religious group in the state that raised the question. The intent of the constitutional amendment, as it was explained, is to permit to the extent permitted by the Constitution of the United States, in other words, to make this constitutional amendment conform to the constitutional amendment of the United States; make it no broader than that. Of course it could not be. But not to narrow it so that our State Supreme Court could be more restrictive than the United States Supreme Court has already been. And in our State Constitution, in Article XI, Section 1, Article VIII, Section 5, and Article IX, Section 4, these articles and sections allow for a very restrictive view of this issue, including the forbidding of direct assistance to the students that would result in indirect aid to the schools. The substitution of 'to' for 'for' would still allow the State Supreme Court to invalidate any student assistance package on the basis of indirect assistance to the schools. Therefore, it was felt that if the legislature, in its wisdom, gave aid to these students in ancillary services, as an example, or in textbooks, that that could be construed by our State Supreme Court as indirect aid to the schools and could be stricken down by the State Supreme Court on that basis because of other constitutional provisions. That is why the word 'for' rather than the word 'to'."

POINT OF INQUIRY

Senator Benitz: "Will Senator Stortini yield to a question? Senator Stortini, I note that in line 9 the word is used, 'and notwithstanding any other provision'. Does this appear in any place else in our State Constitution?"

Senator Stortini: "I believe it does. Senator Beck, do you have the exact place?"

Senator Beck: "Yes, Section 7 starts out, 'Notwithstanding any other provisions of this Constitution. Article Seven.'"

Senator Benitz: "Mr. President and members of the Senate, I think the more times that word appears the more probability we are going to have real problems and could precipitate a constitutional convention which I do not believe that we need. I think it is not good language."

MOTION

On motion of Senator Lewis (R. H. "Bob"), Senator Matson was excused.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Joint Resolution No. 19, and the resolution passed the Senate by the following vote: Yeas, 39; nays, 8; excused, 2.

Voting yea: Senators Bailey, Beck, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Fleming, Francis, Goltz, Gould, Grant, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Ridder, Sandison, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Washington. Wilson. Woody—39.

Voting nay: Senators Benitz, Donohue, Guess, Henry, Rasmussen, Scott, Walgren, Wanamaker—8.

Excused: Senators Herr, Matson—2.

ENGROSSED HOUSE JOINT RESOLUTION NO. 19, having received the constitutional two-thirds majority, was declared passed.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 24, by Committee on Social and Health Services (originally sponsored by Representatives Erickson, Haley, Gallagher and Juelling):

Permitting waiver of three-year residence requirement for admission to the state soldiers' home.

MOTION

On motion of Senator Lewis (R. H. "Bob"), Senator Jones was excused.

The bill was read the second time by sections.

On motion of Senator Day, the rules were suspended, Engrossed Substitute House Bill No. 24 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. 24, and the bill passed the Senate by the following vote: Yeas, 44; nays, 2; excused, 3.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Henry, Jolly, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Morrison, Murray, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—44.

Voting nay: Senators Guess, Newschwander—2.

Excused: Senators Herr, Jones, Matson—3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 24, having received the 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. 17, by Representatives Jastad and Kalich:
Providing law libraries for seventh and eighth class counties.

REPORT OF STANDING COMMITTEE

March 4, 1975.

ENGROSSED HOUSE BILL NO. 17, providing law libraries for seventh and eighth class counties (reported by Committee on Local Government):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, strike everything after the enacting clause and insert the following:

"NEW SECTION. Section 1. There is added to chapter 27.24 RCW a new section to read as follows:

In each county of the seventh and eighth class, there may be a county law library which shall be governed and maintained by the prosecuting attorney who shall also serve as trustee of such library without additional salary or other compensation.

The use of the county law library shall be free to the judges of the state, to state and county officials, and to members of the bar, and to such others as the prosecuting attorney may by rule provide.

Sec. 2. Section 3, chapter 94, Laws of 1925 ex. sess. as last amended by section 3, chapter 249, Laws of 1953 and RCW 27.24.090 are each amended to read as follows:

The collection of the fees directed in RCW 27.24.070 shall be discontinued whenever the board of trustees of a county library or the prosecuting attorney, as the case may be, files with the county clerk and clerks of the justice courts a written resolution to the effect that the county library fund in its county is sufficient for all present needs, which resolution shall remain effective until it is later rescinded. Upon its rescission, the county clerk and clerks of the justice courts shall resume the collection of such fees."

On line 2 of the title, after "libraries;" strike the matter down to and including "RCW 27.24.063;" and insert "amending section 3, chapter 94, Laws of 1925 ex. sess. as last amended by section 3, chapter 249, Laws of 1953 and RCW 27.24.090;"

Signed by: Senators Fleming, Chairman; Jolly, Lewis, (R. H. "Bob"), McDermott, North, Sellar, Talley, Wilson.

The bill was read the second time by sections.

Senator Fleming moved adoption of the committee amendment.

POINT OF INQUIRY

Senator Woody: "Would Senator Fleming yield? In the committee discussion, was there any concern or any discussion about the language 'and to such other persons as the prosecuting attorney may by rule provide'? My question there is, since these are public funds buying public property, to wit, the library itself, could the prosecuting attorney adopt a rule that said that no one but state and county officials, members of the bar, and judges could use the library?"

Senator Fleming: "There was discussion on this very point, Senator Woody, and from our understanding in the statute, it indicates free law libraries in all other counties and we were trying to relate it to this. The reason for that language, it is in the language for the fifth, sixth, seventh, eighth counties, but some of these offices would be, for instance, like a prosecuting attorney such as this that would be maintaining the law library, the library might be so small that at certain given times you could not have thirty or forty or fifty or sixty people in that law library, so this would just give some leeway where the public would have free access to it, but it would not be a burdensome situation on the prosecuting attorney in a small county."

On motion of Senator Fleming, the rules were suspended, Engrossed House Bill No. 17, 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. 17, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Jolly, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Morrison, Murray, Newschwander, North, Odgaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—46.

Excused: Senators Herr, Jones, Matson—3.

ENGROSSED HOUSE BILL NO. 17, 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 Mardesich, the Senate advanced to the eighth order of business.

On motion of Senator Mardesich, Senate Resolutions 1975-15 and 16 were ordered

held on the eighth order of business for Thursday, March 6, 1975.

At 12:00 noon, on motion of Senator Mardesich, the Senate adjourned until 11:00 a.m., Thursday, March 6, 1975.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

FIFTY-THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, March 6, 1975.

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 Karen Kirk and David Smith, presented the Colors. Reverend David Krantz, associate minister of Associated Churches of Olympia, offered the following prayer:

"O GOD, GRANT US THE SERENITY TO ACCEPT THOSE THINGS WHICH WE CANNOT CHANGE, THE COURAGE TO CHANGE THE THINGS WE CAN, AND THE WISDOM TO KNOW THE DIFFERENCE. AMEN."

MOTION

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

REPORTS OF STANDING COMMITTEES

March 4, 1975.

SENATE BILL NO. 2181, defining gravely disabled (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Francis, Chairman; Buffington, Clarke, Jones, Marsh, Scott, Van Hollebeke, Woody.

Passed to Committee on Rules for second reading.

March 6, 1975.

SENATE BILL NO. 2530, relating to highways (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Walgren, Chairman; Beck, Benitz, Bottiger, Guess, Jolly, Lewis (R. H. "Bob"), Morrison, Peterson, Wanamaker.

Passed to Committee on Rules for second reading.

March 5, 1975.

SENATE BILL NO. 2636, implementing law relating to construction of Washington State University tree fruit research center and financing thereof (reported by Committee on Higher Education):

MAJORITY recommendation: Do pass.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Guess, Scott.

Passed to Committee on Rules for second reading.

March 5, 1975.

SENATE JOINT RESOLUTION NO. 102, requiring appointee to vacant offices to be of the same political party as the prior office holder (reported by Committee on Constitution and Elections):

MAJORITY recommendation: That Substitute Senate Joint Resolution No. 102 be substituted therefor and the substitute bill do pass.

Signed by: Senators Beck, Chairman; Grant, Lewis (R. H. "Bob"), Stortini, Washington.

Passed to Committee on Rules for second reading.

March 5, 1975.

SENATE JOINT RESOLUTION NO. 114, authorizing court supervised redistricting if the legislature fails to accomplish such tasks (reported by Committee on Constitution and Elections):

Recommendation: That Substitute Senate Joint Resolution No. 114 be substituted therefor and the substitute bill do pass.

Signed by: Senators Beck, Chairman; Grant, Lewis (R. H. "Bob"), Pullen, Stortini, Washington.

Passed to Committee on Rules for second reading.

March 5, 1975.

ENGROSSED HOUSE BILL NO. 106, abolishing the state administrative board (reported by Committee on State Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Rasmussen, Chairman; Buffington, Day, Knoblauch, Wana-maker.

Passed to Committee on Rules for second reading.

March 5, 1975.

HOUSE BILL NO. 129, increasing hospital district commissioner's allowable compensation (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Fleming, Chairman; Jolly, Lewis (R. H. "Bob"), McDermott, North, Sellar, Talley.

Passed to Committee on Rules for second reading.

March 5, 1975.

ENGROSSED HOUSE BILL NO. 159, restricting and regulating the sale of convict-made goods (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; von Reichbauer, Vice Chairman; Buffington, Goltz, Gould, North, Ridder, Van Hollebeke.

Passed to Committee on Rules for second reading.

March 5, 1975.

HOUSE BILL NO. 189, authorizing water district commissioners to establish mileage reimbursement for official travel (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Fleming, Chairman; Jolly, Lewis (R. H. "Bob"), McDermott, North, Sellar, Talley.

Passed to Committee on Rules for second reading.

March 5, 1975.

HOUSE BILL NO. 199, repealing laws relating to the Osaka exposition (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senator Rasmussen, Chairman; Buffington, Cunningham, Day, Knoblauch, Wanamaker.

Passed to Committee on Rules for second reading.

March 5, 1975.

ENGROSSED HOUSE BILL NO. 281, authorizing continuation of child welfare services to age twenty-one (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; von Reichbauer, Vice Chairman; Buffington, Goltz, Gould, North, Ridder.

Passed to Committee on Rules for second reading.

March 5, 1975.

HOUSE BILL NO. 314, providing for the transfer of funds from and the abolishment of the world fair bond redemption fund (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Rasmussen, Chairman; Buffington, Cunningham, Day, Knoblauch, Wanamaker.

Passed to Committee on Rules for second reading.

March 5, 1975.

ENGROSSED HOUSE BILL NO. 316, placing five-year statute of limitations on claims against state for state warrants and permitting destruction of redeemed warrants after six years (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Rasmussen, Chairman; Buffington, Cunningham, Day, Knoblauch, Wanamaker.

Passed to Committee on Rules for second reading.

March 5, 1975.

ENGROSSED HOUSE BILL NO. 410, authorizing port and public utility districts to pay costs of defense for officers and employees in actions arising out of performance of their duties (reported by Committee on Local Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Fleming, Chairman; Jolly, Lewis (R. H. "Bob"), North, Sellar, Talley.

Passed to Committee on Rules for second reading.

March 5, 1975.

HOUSE BILL NO. 456, expanding definition of "public bodies" that can participate in water supply bonds (reported by Committee on Ecology):

MAJORITY recommendation: Do pass.

Signed by: Senators Washington, Chairman; Donohue, Goltz, Murray, North, Sandison.

Passed to Committee on Rules for second reading.

March 6, 1975.

HOUSE BILL NO. 461, authorizing public utility districts to collect local improvement assessments for operation and maintenance of street lights (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Fleming, Chairman; Jolly, Lewis (R. H. "Bob"), North, Talley, Walgren.

Passed to Committee on Rules for second reading.

March 5, 1975.

HOUSE JOINT MEMORIAL NO. 1, requesting Congress to return Memorial Day and Veterans Day to their traditional dates (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Rasmussen, Chairman; Buffington, Cunningham, Day, Knoblauch, Wanamaker.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE HOUSE

March 5, 1975.

Mr. President: The House has passed:

ENGROSSED SENATE BILL NO. 2035,

SENATE BILL NO. 2049,

SENATE BILL NO. 2163, and the same are herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

March 5, 1975.

Mr. President: The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 86,

SUBSTITUTE HOUSE BILL NO. 249, and the same are herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

March 5, 1975.

Mr. President: The Speaker has signed SENATE BILL NO. 2097, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 2035,

SENATE BILL NO. 2049,

SENATE BILL NO. 2163.

INTRODUCTION AND FIRST READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 86, by Committee on Ways and Means-Revenue (originally sponsored by Representative Randall):

Establishing sales tax liability for certain government contractors.

Referred to Committee on Ways and Means.

SUBSTITUTE HOUSE BILL NO. 249, by Committee on Transportation and Utilities (originally sponsored by Representatives Newhouse, Hansen, Patterson and Gilleland):

Making certain changes in the laws relating to vehicle tonnage fees.
Referred to Committee on Transportation and Utilities.

SECOND READING

HOUSE BILL NO. 48, by Representatives Adams, Parker, Erickson, Freeman, Gaines, Paris, Tilly, Wilson, Hayner and Nelson (by request of House Committee on Social and Health Services of the Forty-third Legislature):

Exempting persons who render emergency care from civil liability under certain conditions.

REPORT OF STANDING COMMITTEE

February 19, 1975.

HOUSE BILL NO. 48, exempting persons who render emergency care from civil liability under certain conditions (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 7, after "transporting" insert ", not for compensation,"

On page 1, line 8, after "for" insert "emergency".

Signed by: Senators Day, Chairman; von Reichbauer, Vice Chairman; Buffington, Cunningham, Goltz, Gould, McDermott, North, Ridder, Van Hollebeke.

The bill was read the second time by sections.

Senator Day moved adoption of the committee amendment.

On motion of Senator Day, the following amendment to the committee amendment was adopted:

On page 1, line 6, after "faith" insert "and not for compensation".

The motion by Senator Day carried and the committee amendments, as amended, were adopted.

On motion of Senator Bottiger, the amendment to page 1, line 12 on the Secretary's desk, was withdrawn.

On motion of Senator Mardesich, the following amendment was adopted:

On page 2, line 2, after "other than" insert "in".

POINT OF INQUIRY

Senator Wilson: "Would Senator Day yield to a question? Was the word 'gratuitously' substituted for the original language of the amendment?"

Senator Day: "No, it was not. We inserted it so it now reads, 'any person' on line 6 'who in good faith and not for compensation renders emergency care at the scene,' etc."

On motion of Senator Day, the rules were suspended, House Bill No. 48, 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. 48, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; nays, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—48.

Voting nay: Senator Bottiger—1.

HOUSE BILL NO. 48, 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. 124, by Representatives Hansey, Martinis and Schumaker:

Authorizing the department of natural resources to grant cutting permits for firewood for timber on state lands.

The bill was read the second time by sections.

Senator Newschwander moved adoption of the following amendment:

On page 2, line 13, strike all of new section 4.

Debate ensued.

The motion by Senator Newschwander failed and the amendment was not adopted.

On motion of Senator Peterson, the rules were suspended, Engrossed House Bill No. 124 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Francis: "Will Senator Peterson yield to a question? Just a small one. I wondered what the reasoning was behind the change from twelve cords down to six cords of wood limitation."

Senator Peterson: "The experience has been that the average homeowner seldom has utilized the twelve cord maximum that previously was allowed, in which case if he did he was probably doing it commercially. Six cords seems to be an ample figure for any average homeowner."

Senator Francis: "And then am I correct in understanding that this section that that applies in is restricted simply to the personal use of the people who cut the wood?"

Senator Peterson: "That is right. It is personal use only."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 124, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—49.

ENGROSSED HOUSE BILL NO. 124, having received the 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. 142, by Representatives Hayner, Knowles and Eikenberry:

Requiring that a copy of every adverse decision and order in administrative proceedings be transmitted to the party's attorney of record.

The bill was read the second time by sections.

On motion of Senator Francis, the rules were suspended, House Bill No. 142 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Walgren: "Would Senator Francis yield to a question please? Senator Francis, can you tell me how much this is going to cost in additional cost to the state?"

Senator Francis: "Senator Walgren, I would say it will cost under five hundred dollars a year. That was our view of it in committee. They already are preparing the written decision and order. They make two copies already. This will require up to a possible four copies instead of two copies of an order in an administrative ruling."

Senator Walgren: "And also, is this just those adverse decisions that are written?"

Senator Francis: "I am talking now about RCW 34.04.120. It says that every decision and order adverse to a party rendered by an agency in a contested case shall be in writing and shall be accompanied by findings."

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 142, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—49.

HOUSE BILL NO. 142, having received the 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. 127, by Representative Haussler:

Increasing tax per television set in TV reception improvement districts.

The bill was read the second time by sections.

On motion of Senator Fleming, the rules were suspended, House Bill No. 127 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. 127, and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; absent or not voting, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—47.

Voting nay: Senator Grant—1.

Absent or not voting: Senator Newschwander—1.

HOUSE BILL NO. 127, having received the 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. 132, by Committee on Natural Resources (originally sponsored by Representatives Martinis, Bauer, Hansey, Bausch, Kilbury, Conner, Matthews, Whiteside, Bond, Moreau, Clemente, Schumaker, Gaines, Laughlin, McCormick and McKibbin):

Extending the use of personalized license plates to vehicles other than cars.

REPORT OF STANDING COMMITTEE

February 26, 1975.

SUBSTITUTE HOUSE BILL NO. 132, extending the use of personalized license plates to vehicles other than cars (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass with the following amendment:

On page 2, line 21, after "dollars" and before the period insert the following ":

PROVIDED, That any person who purchased personalized license plates containing three letters and three digits on or between the dates of August 9, 1971, and November 6, 1973, shall not be required to pay the additional annual renewal fee of twenty dollars commencing with the year 1976”.

Signed by: Senators Peterson, Chairman; Beck, Lewis (Harry), Pullen, Rasmussen, Sandison, Talley.

The bill was read the second time by sections.

On motion of Senator Peterson, the committee amendment was adopted.

POINT OF INQUIRY

Senator Mardesich: “I wonder if one of the proponents of this measure or someone who is familiar with it would yield to a question.”

Senator Peterson: “With the amendment?”

Senator Mardesich: “No, the bill itself. My question, I look to Section 2 which I gather is part of the authorizing portion of the measure. It says ‘any person who is the registered owner of passenger motor vehicle not for hire’, so I assume this underlined — for one, that is an exclusion, ‘not for hire’ so a ‘truck not powered by diesel fuel’, that is partially exclusionary and partially inclusionary; ‘a trailer, a camper, a private bus or a motorcycle registered,’ and so on. Then it goes down to line 26 and thereon it says, ‘who makes application for original registration or renewal registration of such vehicle or camper.’ Why do they put the ‘or camper’ in there on line 27 and not the ‘a truck not powered by diesel fuel, a trailer, a private bus or a motorcycle’? It seems to me that it is somewhat contradictory, but I may be in error. It may be that you are only authorizing the use of such licenses for campers by this language, but I am not certain that is what it does.”

Senator Peterson: “I think that is the answer. A camper is not a vehicle. I do not know. The language could be in error, but it has pretty well been worked through, Senator.”

On motion of Senator Peterson, the following amendment to the title was adopted: On page 1, line 10, after “77.12.175” insert “; and providing penalties”.

On motion of Senator Peterson, the rules were suspended, Substitute House Bill No. 132, 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 Donohue: “Would Senator Peterson yield? Senator Peterson, I remember when this bill was passed and I remember the request from the Game Department in reference to the dollar amounts they thought this was going to bring in. And if I remember correctly, they had a request in the budget at that time for about four hundred thousand dollars, and I am not sure what the figure was but we cut it back something like one hundred and twenty or something like that which we thought was more reasonable. My question to you is, do you happen to know how many of these license plates they did sell or the total amount of dollars that they brought in?”

Senator Peterson: “Senator, I do not have my computer with me to compute the dollar amount, but I do have the number of vehicles. Since the bill was enacted there have been twenty-seven hundred and fifty-seven licenses sold up to date. It has not generated the revenue that the department had anticipated nor the legislature at that particular time. However, by broadening the scope a little bit with this bill and the fact that as people drive down the highways and see more personalized license plates, they are generating interest and we expect it to increase.”

POINT OF INQUIRY

Senator Stortini: “Will Senator Peterson yield to a question? Senator, I am looking at page 2, lines 17 and 18, in reference to the 1973 Law. It says, ‘the applicant shall be charged a fee of thirty dollars.’ I have a personalized license plate and I was wondering

if you knew why we have to pay more than thirty dollars, and I am sure I am speaking for the other twenty-seven hundred too. When I purchased mine, I believe he said that there would be a two dollar and fifty cent administrative cost."

Senator Peterson: "Senator Stortini, I really cannot address myself to your question. I just became aware of this this morning. It was not aired in committee. If there are fees being charged that were not authorized in the original bill, and this does not address itself to that, it addresses to the present language, but I think perhaps we should look at that from the Department of Motor Vehicles or whoever is responsible; but I did not become aware of this additional charge until just this morning and I did not have time to look it up."

Senator Lewis (Harry): "Mr. President, responding to Senator Stortini's question, I believe as I recall the original bill that the purpose of the bill was really fund raising to try to provide a device for the protection of endangered species, and so the fee is a substantial one and that was the intent originally. It was the hope, as the sponsors of the measure propounded on the floor, that those people who were interested, those environmentalists who were dedicated to the preservation of endangered species, that they would then support such a bill. It appears that not many environmentalists are really interested, at least there are only twenty-seven hundred, apparently, in the state who seem to care about the titmouse and some of the other bugs and birds that the sponsors mentioned originally. So I think that the thirty dollars really is the intent of the legislation."

Senator Stortini: "I understand this, Senator Lewis. My only question was, the law says thirty dollars. Why is it more than that?"

Senator Peterson: "I think it is a good question. I think it is a valid question, and I am sorry I do not have the answer, but I think we can get the answer and if DMV is superimposing a fee that the legislature has not authorized, I think we had better look at it, Senator."

POINT OF INQUIRY

Senator Bailey: "Would Senator Peterson yield? The thing that concerns me, if we are changing this; my memory is, but I have no law book to show it, was not this an initiative or a referendum passed by the people in the election? If we are changing it, we are probably changing something that the people voted for or may not have voted for last year or the year before with the change of fee, and the thing that concerns me — I know you will have the two-thirds vote if you pass it, but you would need a two-thirds vote. It would take it until next year. . . ."

Senator Peterson: "My memory does not go back that far. I remember overriding the Governor's veto on this, but I do not think it was a referendum as far as personalized license plates, was it?"

Senator Bailey: "I thought we referred it to the people. I think we passed it. We could not override the veto so we referred it to the people, and the point I am asking is the same one Senator Stortini is, and that is, if you are raising something over what the people had voted, then I think we ought to look at it with that in view; that they may have voted for it that way but may not have voted for it with the increase in cost."

Senator Peterson: "I think the remarks are well taken, and for the record, if we have to come back, Mr. President and members of the Senate, we will address ourselves to that problem."

Debate ensued.

POINT OF INQUIRY

Senator Murray: "Will Senator Peterson yield to a question please? What is the actual fiscal impact? Does the Senate amendment cancel the fee for those who have personalized license plates in the future?"

Senator Peterson: "No, what it does, Senator Rasmussen could probably address himself to this more than anybody, but we did have prior to the enactment of the personalized license bill, you could have bought a personalized license plate then, and this has no revenue impact at all. Absolutely no fiscal impact."

Senator Murray: "I am correct then that the continuing ongoing income from personalized license plates for the benefit of preservation of endangered species will continue?"

Senator Peterson: "Yes, that is right."

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 132, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—49.

SUBSTITUTE HOUSE BILL NO. 132, 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. 276, by Representatives Charette, Eikenberry, Conner and Curtis:

Authorizing municipal corporations and political subdivisions to purchase liability insurance for their officers, agents, and employees.

REPORT OF STANDING COMMITTEE

March 4, 1975.

ENGROSSED HOUSE BILL NO. 276, authorizing municipal corporations and political subdivisions to purchase liability insurance for their officers, agents and employees (reported by Committee on Local Government):

MAJORITY recommendation: Do pass with the following amendment:

On line 15, after "failure of performance" strike the comma.

Signed by: Senators Fleming, Chairman; Jolly, Lewis (R. H. "Bob"), McDermott, North, Sellar, Wilson.

The bill was read the second time by sections.

Senator Fleming moved adoption of the committee amendment.

Debate ensued.

MOTION

On motion of Senator Fleming, Engrossed House Bill No. 276, together with the pending committee amendment, was ordered held for consideration following Engrossed House Bill No. 18.

SECOND READING

ENGROSSED HOUSE BILL NO. 18, by Representatives Jastad, Chatalas, Fischer and Matthews:

Changing certain laws relating to dentistry.

The bill was read the second time by sections.

Senator Van Hollebeke moved adoption of the following amendment:

On page 2, line 36, after "take" strike "[as many]" and insert "as many" and before "subsequent" strike "two".

PARLIAMENTARY INQUIRY

Senator Day: "Are we considering these amendments on this sheet in concert or are we considering just the top one?"

REPLY BY THE PRESIDENT

The President: "Just the top one, Senator."

Senator Van Hollebeke stated that his original handwritten amendment had not been correctly typed for reproduction, and that the amendment had been drafted to read as follows:

On page 3, line 1, after "examinations" strike "[as he desires]" and insert "as he desires" and strike the balance of line 1 down through "board" on line 3.

With this clarification, the amendment to page 2, line 36 and to page 3, beginning on line 1, as orally stated by Senator Van Hollebeke, was adopted.

Debate ensued.

Senator Mardesich moved adoption of the following amendment:

On page 2, line 18, strike all the material down through page 3, line 5.

POINT OF INQUIRY

Senator Marsh: "Senator Mardesich, are you striking then from line 18 on page 2 through line 5 on page 3?"

Senator Mardesich: "Then there would be no amendment in the law with respect to that section. It would remain as it is. It would still be on the books."

The motion by Senator Mardesich carried and the amendment was adopted.

On motion of Senator Day, the following amendment by Senator Mardesich to the title was adopted:

On page 1, beginning on line 4 of the title strike all the material down through "RCW 18.32.120;" on line 5.

MOTIONS

On motion of Senator Knoblauch, Senator Stortini was excused.

On motion of Senator Day, the rules were suspended, Engrossed House Bill No. 18, 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. 18, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—48.

Excused: Senator Stortini—1.

ENGROSSED HOUSE BILL NO. 18, 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 Mardesich, the Senate advanced to the eighth order of business.

On motion of Senator Mardesich, Senate Resolutions 1975-15 and 16 were ordered held on the eighth order of business for Friday, March 7, 1975.

At 12:15 p.m., on motion of Senator Mardesich, the Senate adjourned until 11:00 a.m., Friday, March 7, 1975.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

FIFTY-FOURTH DAY**MORNING SESSION**

Senate Chamber, Olympia, Friday, March 7, 1975.

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

The Color Guard, consisting of Pages Diane Loftus and Dan Hutson, presented the Colors. Reverend David Krantz, associate minister, Associated Churches of Olympia, offered the following prayer:

"O GOD, WHO QUICKENS OUR SPIRITS WITH YOUR BREATH, AND FROM WHOM SPRINGS OUR CREATIVITY AND THE WHOLE OF THE CREATION IN WHICH WE LIVE AND MOVE AND HAVE OUR BEING, WE THANK YOU FOR THE MANY GIFTS OF YOUR HAND. WE PAUSE TO SEEK YOUR GUIDANCE, TO TOUCH YOUR WISDOM IN THESE DAYS OF UNCERTAINTY AND DISCORD FOR WE KNOW THAT IN THE ULTIMATE ANALYSIS WE ARE RESPONSIBLE AND ACCOUNTABLE TO YOU AND YOU ALONE. SEARCH OUR HEARTS SO THAT WE MIGHT NOT LIE TO OURSELVES, BUT ACT WITH INTEGRITY AND TRUTH. DISTURB OUR FACILE ANSWERS AND OUR INGRAINED PREJUDICES SO THAT WE MIGHT BE OPEN TO NEW GIFTS OF LOVE AND WISDOM. CHALLENGE OUR HEARTS WITH YET ANOTHER VISION OF YOUR PURPOSES, ENLIGHTENING OUR GLOOM WITH HOPE. AMEN."

MOTION

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

REPORTS OF STANDING COMMITTEES

March 4, 1975.

SENATE BILL NO. 2086, changing certain laws relating to the guardianship of incompetents (reported by Judiciary Committee):

MAJORITY recommendation: That Substitute Senate Bill No. 2086 be substituted therefor and the substitute bill do pass.

Signed by: Senators Francis, Chairman; Buffington, Jones, Marsh, Scott, Van Hollebeke, Woody.

Passed to Committee on Rules for second reading.

March 6, 1975.

SENATE BILL NO. 2181, defining gravely disabled (reported by Committee on Rules):

Recommendation: That Senate Bill No. 2181 be referred to the Committee on Ways and Means.

Signed by: Lieutenant Governor Cherberg, Chairman; Senators Bailey, Bottiger, Clarke, Guess, Henry, Herr, Keefe, Lewis (Harry), Mardesich, Marsh, Matson, Newschwander, Talley.

Referred to Committee on Ways and Means.

March 7, 1975.

SENATE BILL NO. 2513, authorizing completion of migrant housing demonstration project in Yakima county (reported by Committee on Labor):

Recommendation: Do pass.

Signed by: Senators Ridder, Chairman; Bailey, Grant, Matson, Morrison, Sellar, von Reichbauer.

Passed to Committee on Rules for second reading.

March 7, 1975.

ENGROSSED HOUSE BILL NO. 16, revising appeal procedure from orders of the department of labor and industries (reported by Committee on Labor):

Recommendation: Do pass as amended.

Signed by: Senators Ridder, Chairman; Bailey, Grant, Matson, Morrison, Sellar, von Reichbauer.

Passed to Committee on Rules for second reading.

March 7, 1975.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 32, conforming state minimum wage laws to federal laws (reported by Committee on Labor):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Ridder, Chairman; Bailey, Grant, von Reichbauer.

Passed to Committee on Rules for second reading.

March 7, 1975.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 87, revising regulations on control of noxious weeds (reported by Committee on Agriculture):

Recommendation: Do pass as amended.

Signed by: Senators Jolly, Chairman; Benitz, Day, Sellar, Wilson.

Passed to Committee on Rules for second reading.

March 6, 1975.

ENGROSSED HOUSE BILL NO. 92, imposing liability for certain taking of merchandise (reported by Committee on Commerce):

Recommendation: Do pass as amended.

Signed by: Senators Van Hollebeke, Chairman; Cunningham, Morrison, Peterson, Ridder.

Passed to Committee on Rules for second reading.

March 7, 1975.

ENGROSSED HOUSE BILL NO. 95, adding a new chapter which revises all statutes relating to eggs and egg production (reported by Committee on Agriculture):

Recommendation: Do pass as amended.

Signed by: Senators Jolly, Chairman; Benitz, Day, Sellar, Wilson.

Passed to Committee on Rules for second reading.

March 7, 1975.

ENGROSSED HOUSE BILL NO. 141, revising laws relating to theft of livestock and adding civil penalty (reported by Committee on Agriculture):

Recommendation: Do pass as amended.

Signed by: Senators Jolly, Chairman; Benitz, Day, Sellar, Wilson.

Passed to Committee on Rules for second reading.

March 7, 1975.

ENGROSSED HOUSE BILL NO. 278, providing for nursing home accounting systems (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; Buffington, Goltz, Gould, McDermott, North, Pullen, Ridder, Van Hollebeke.

Passed to Committee on Rules for second reading.

March 7, 1975.

REENGROSSED HOUSE BILL NO. 285, providing for the designation of certain specified fire and police department positions as public employees (reported by Committee on Labor):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Ridder, Chairman; Bailey, Grant, von Reichbauer.

Passed to Committee on Rules for second reading.

March 7, 1975.

ENGROSSED HOUSE BILL NO. 385, increasing the assessment per head on cattle (reported by Committee on Agriculture):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Jolly, Chairman; Benitz, Day, Sellar.

Passed to Committee on Rules for second reading.

March 6, 1975.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 395, providing an anatomical gift form on each driver's license (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; Buffington, Cunningham, Francis, Goltz, Gould, McDermott, North, Pullen, Ridder, Van Hollebeke.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENT

March 5, 1975.

CATHERINE HUNTER, to the position of member of the Central Washington State College Board of Trustees, appointed by the Governor on March 2, 1975 for the term ending March 1, 1981, succeeding Mrs. Hugh Minor (reported by the Committee on Higher Education):

Recommends that said appointment not be confirmed.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Guess, Odegaard, Scott.

MESSAGE FROM THE GOVERNOR

Office of the Governor, March 6, 1975.

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

LADIES AND GENTLEMEN:

On this date I have approved HOUSE BILL NO. 100, entitled:

"An Act relating to revenue financing for pollution control and industrial development."

I am, however, increasingly fearful of the potential consequences of overextending the use of tax exempt revenue financing. The national trend toward such financing will, in my opinion, cause Congress to reexamine the whole area of tax exempt governmental bonds, and there is little doubt in my mind that the present opportunities in these bonds will be drastically restricted in the near future. To avoid this from occurring, state and local governments must exercise considerable prudence and caution in approving tax exempt revenue financing. And while I do not pass judgment on the bond financing which House Bill No. 100 deals with, I do urge the Legislature to scrutinize in the strictest manner future proposals to determine whether the standards set by the Internal Revenue Code are met.

I wish further to point out that even though I have approved House Bill No. 100, I

do not believe the Legislature should attempt to influence the outcome of a pending decision in the State Supreme Court in this manner, and I seriously doubt whether the legislation will persuade the court one way or another.

Sincerely,
DANIEL J. EVANS
Governor.

MESSAGES FROM THE HOUSE

March 6, 1975.

Mr. President: The Speaker has signed:
SUBSTITUTE HOUSE BILL NO. 24,
HOUSE JOINT RESOLUTION NO. 19, and the same are herewith transmitted.
DEAN R. FOSTER, Chief Clerk.

March 6, 1975.

Mr. President: The House has passed:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 164,
ENGROSSED HOUSE BILL NO. 331,
ENGROSSED HOUSE BILL NO. 377,
ENGROSSED HOUSE BILL NO. 422,
HOUSE BILL NO. 468, and the same are herewith transmitted.
DONALD R. WILSON, Assistant Chief Clerk.

March 6, 1975.

Mr. President: The House has passed:
SENATE BILL NO. 2167,
ENGROSSED SENATE JOINT MEMORIAL NO. 105, and the same are herewith transmitted.
DONALD R. WILSON, Assistant Chief Clerk.

MESSAGE FROM THE HOUSE

March 5, 1975.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2147, with the following amendments:
On page 1, line 6, after "special" strike "research".
On page 1, line 7, after "necessary to" strike "define" and insert "eliminate".
On page 1, line 8, after "of" strike "phenoxy".
On page 1, line 22, after "said" strike "phenoxy".
On page 1, line 24, after "said" strike "phenoxy", and the same is herewith transmitted.
DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Jolly, the Senate concurred in the House amendments to Engrossed Senate Bill No. 2147.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2147, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; nays, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry,

Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—48.

Voting nay: Senator Matson—1.

ENGROSSED SENATE BILL NO. 2147, 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. 2167,
SENATE JOINT MEMORIAL NO. 105,
SUBSTITUTE HOUSE BILL NO. 24,
HOUSE JOINT RESOLUTION NO. 19.

INTRODUCTION AND FIRST READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 164, by Committee on Transportation and Utilities (originally sponsored by Representatives Perry, Berentson, Martinis, Gilleland, Hansen, Patterson, McCormick, Ceccarelli, Clemente, Dunlap, Bender, Conner and Gaines):

Creating a department of transportation.
Referred to Committee on Transportation and Utilities.

ENGROSSED HOUSE BILL NO. 331, by Representatives Sommers, Nelson, Randall, Erickson, Smith (Rick) and Kraabel:

Defining the term adopted child for inheritance tax purposes.
Referred to Committee on Ways and Means.

ENGROSSED HOUSE BILL NO. 377, by Representatives Curtis and Hurley (George) (by Department of Game request):

Increasing certain fees and licenses for game and game fish.
Referred to Committee on Natural Resources.

ENGROSSED HOUSE BILL NO. 422, by Representatives Randall, Kilbury, Hurley (George), Hayner, Hurley (Margaret) and Curtis:

Permitting tax adjustments upon property destroyed at any time during the year.
Referred to Committee on Ways and Means.

HOUSE BILL NO. 468, by Representatives Parker, Bagnariol, Shinpoch and Sommers:

Abolishing the state armory fund and directing revenue to state general fund.
Referred to Committee on Ways and Means.

MOTION

On motion of Senator Mardesich, the Senate returned to the fourth order of business.

MESSAGE FROM THE HOUSE

March 6, 1975.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2128, with the following amendments:

On page 1, line 6, after "than" strike "January 1" and insert "December 31".

On page 1, line 10 after "extension" insert "of time", and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

MOTION

On motion of Senator Sandison, the Senate concurred in the House amendments to Engrossed Senate Bill No. 2128.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2128, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; absent or not voting, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—48.

Absent or not voting: Senator Guess—1.

ENGROSSED SENATE BILL NO. 2128, 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.

MOTION

On motion of Senator Mardesich, the Senate advanced to the sixth order of business.

SECOND READING

ENGROSSED HOUSE BILL NO. 276, by Representatives Charette, Eikenberry, Conner and Curtis:

Authorizing municipal corporations and political subdivisions to purchase liability insurance for their officers, agents, and employees.

The Senate resumed consideration of Engrossed House Bill No. 276, and the following committee amendment moved for adoption by Senator Fleming on Thursday, March 6, 1975:

On line 15, after "failure of performance" strike ",".

On motion of Senator Fleming, the committee amendment was not adopted.

On motion of Senator Fleming, the rules were suspended, Engrossed House Bill No. 276 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, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—49.

ENGROSSED HOUSE BILL NO. 276, having received the 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. 456, by Representatives Zimmerman, Pardini, Luders, Matthews, Patterson, Tilly, Kilbury, Lee and Curtis (by Executive request): .

Expanding definition of "public bodies" that can participate in water supply bonds. The bill was read the second time by sections.

On motion of Senator Washington, the rules were suspended, House Bill No. 456 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. 456, and the bill passed the Senate by the following vote: Yeas, 48; absent or not voting, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—48.

Absent or not voting: Senator Lewis (Harry)—1.

HOUSE BILL NO. 456, having received the 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 Mardesich, Engrossed House Bill No. 131 will be considered following Engrossed House Bill No. 279.

SECOND READING

HOUSE BILL NO. 160, by Representatives Ceccarelli, Pardini and Bagnariol (by Department of General Administration Division of Banking request):

Fixing maximum maturity of certificates of deposit by mutual savings banks at six years.

The bill was read the second time by sections.

On motion of Senator Woody, the rules were suspended, House Bill No. 160 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. 160, and the bill passed the Senate by the following vote: Yeas, 48; absent or not voting, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—48.

Absent or not voting: Senator Lewis (R. H. "Bob")—1.

HOUSE BILL NO. 160, having received the 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. 106, by Representatives Chatalas, Curtis, Shinpoch, Polk, Bagnariol and North (by Legislative Budget Committee request):

Abolishing the state administrative board.

REPORT OF STANDING COMMITTEE

March 5, 1975.

ENGROSSED HOUSE BILL NO. 106, abolishing the state administrative board (reported by Committee on State Government):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, beginning on line 25 strike all of the matter down to and including the period on page 2, line 9 and insert the following:

"Whenever an action or proceeding for damages shall be instituted against any state officer or employee for [the performance of] *performing or failing to perform any official act, [such officer or employee] in good faith purporting to perform any official act or acting within the scope of employment with the state, such officer or employee* may request the [administrative board] *attorney general* to authorize the defense of said action or proceeding at the expense of the state.

Sec. 2. Section 2, chapter 79, Laws of 1921 and RCW 4.92.070 are each amended to read as follows:

If the [administrative board] *attorney general* shall find that said officer or employee [acted in good faith and without negligence, it shall grant] *was acting within the scope of employment, in good faith purporting to perform his duties, or the action is based upon his performance or failure to perform his duties, said request shall be granted, in which event the necessary expenses of the defense [of said action or proceeding] and any obligation for payment arising from such action shall be paid from the [appropriations made for the support of the department to which such officer or employee is attached.] tort claims revolving fund.* In such cases the attorney general shall appear and defend such officer or employee."

On page 13, following 13, add new sections as follows:

"Sec. 14. Section 1, chapter 136, Laws of 1961 as amended by section 2, chapter 159, Laws of 1963 and RCW 4.92.090 are each amended to read as follows:

The state of Washington, whether acting in its governmental or proprietary capacity, shall be liable for damages arising out of its tortious conduct to the same extent as if it were a private person or corporation: *PROVIDED, The state shall not be liable on any claims for indemnity or contribution unless such right of indemnity or contribution arises solely out of an express written contract executed by an officer or employee of the state having express statutory authority to enter into such an indemnity or contribution agreement on behalf of the state.*

Sec. 15. Section 7, chapter 159, Laws of 1963 as amended by section 1, chapter 140, Laws of 1969 and RCW 4.92.130 are each amended to read as follows:

A tort claims revolving fund in the custody of the treasurer is hereby created to be used solely and exclusively for the payment of claims against the state arising out of tortious conduct and against its officers and employees for whom the defense of the claim was authorized under section 2 of this 1975 amendatory act. No money shall be paid from the tort claims revolving fund unless *all proceeds available to the claimant from any valid and collectible liability insurance shall have been exhausted first and unless:*

(1) The claim shall have been reduced to final judgment in a court of competent jurisdiction; or

(2) The claim has been approved for payment in accordance with RCW 4.92.140 as herein or hereafter amended.

Sec. 16. Section 8, chapter 159, Laws of 1963 and RCW 4.92.140 are each amended to read as follows:

The head or governing body of any agency or department of state government, with the approval of the attorney general, may consider, ascertain, adjust, determine, compromise and settle any claim arising out of tortious conduct or under and pursuant to 42 U.S.C. Sec. 1981 et seq. for which the state of Washington or any of its officers or employees would be liable in law for money damages of [five] *twenty-five* hundred dollars or less. The acceptance by the claimant of any such award, compromise or settlement shall be final and conclusive on the claimant; and upon the state of Washington, unless procured by fraud, and shall constitute a complete release of any claim against

the state of Washington or its affected officer or employee. A request for administrative settlement shall not preclude a claimant from filing a court action pending administrative determination, limit the amount recoverable in such a suit or constitute an admission against interest of either the claimant or the state.

Sec. 17. Section 9, chapter 159, Laws of 1963 and RCW 4.92.150 are each amended to read as follows:

After commencement of an action in [superior court] a court of competent jurisdiction upon a claim against the state, or any of its officers or employees arising out of tortious conduct or pursuant to 42 U.S.C. Sec. 1981 et seq., the attorney general, with the approval of the court, following such testimony as the court may require, may compromise and settle the same and stipulate for judgment against the state, the affected officer or employee.

Sec. 18. Section 10, chapter 159, Laws of 1963 as amended by section 2, chapter 140, Laws of 1969 and RCW 4.92.160 are each amended to read as follows:

Payment of claims and judgments arising out of tortious conduct or pursuant to 42 U.S.C. Sec. 1981 et seq. shall not be made by any agency or department of state government with the exception of the budget director, and he shall authorize and direct the payment of moneys only from the tort claims revolving fund whenever:

(1) The head or governing body of any agency or department of state certifies to him that a claim has been settled under authority of RCW 4.92.140 as herein or hereafter amended; or

(2) The clerk of court has made and forwarded a certified copy of a final judgment in a court of competent jurisdiction and the attorney general certifies that the judgment is final and was entered in an action on a claim arising out of tortious conduct under and pursuant to 42 U.S.C. Sec. 1981 et seq. Payment of a judgment shall be made to the clerk of the court for the benefit of the judgment creditors. Upon receipt of payment, the clerk shall satisfy the judgment against the state.

Sec. 19. Section 11, chapter 159, Laws of 1963 as amended by section 3, chapter 140, Laws of 1969 and RCW 4.92.170 are each amended to read as follows:

Liability for and payment of claims arising out of tortious conduct or under and pursuant to 42 U.S.C. Sec. 1981 et seq. is declared to be a proper charge as part of the normal cost of operating the various agencies and departments of state government whose operations and activities give rise to the liability and a lawful charge against moneys appropriated or available to such agencies and departments.

Within any agency or department the charge shall be apportioned among such appropriated and other available moneys in the same proportion that the moneys finance the activity causing liability. Whenever the operations and activities of more than one agency or department combine to give rise to a single liability, the budget director shall determine the comparative responsibility of each agency or department for the liability.

State agencies over which the budget director has authority to revise allotments under chapter 43.88 RCW shall make reimbursement to the tort claims revolving fund for any payment made from it for the benefit of such agencies. The budget director is authorized and directed to transfer or order the transfer to the revolving fund, from moneys available or appropriated to such agencies, that sum of money which is a proper charge against them. Such amounts may be expended for the purposes for which the tort claims revolving fund was created by RCW 4.92.130 as herein or hereafter amended without further or additional appropriation: PROVIDED, That in any case where reimbursement would seriously disrupt or prevent substantial performance of the operations or activities of the state agency, the budget director may relieve the agency of all or a portion of the obligation to make reimbursement.

The budget director shall report to the legislature, for any biennial period, on the status of the tort claims revolving fund, all payments made therefrom, all reimbursements made thereto, and the identity of agencies and departments of state government whose operations and activities give rise to liability, including those agencies and departments over which he does not have authority to revise allotments under chapter 43.88 RCW.

The budget director may authorize agencies, in accordance with chapter 41.05

RCW to the extent that it is applicable, to purchase insurance to protect and hold personally harmless any officer or employee of the state, or any classes of such officers or employees or for other persons performing services for the state, whether by contract or otherwise, from any action, claim, or proceeding for damages arising out of the performance of duties for, employment with, or the performance of services on behalf of the state and to hold him harmless from any expenses connected with the defense, settlement or monetary judgment from such actions.

The budget director shall adopt rules and regulations governing the procedures to be followed in making payment from the tort claims revolving fund, in reimbursing the revolving fund and in relieving an agency of its obligation to reimburse.

NEW SECTION. Sec. 20. There is added to chapter 4.92 RCW a new section to read as follows:

Whenever a state officer or employee is charged with a criminal offense arising out of the performance of an official act which was fully in conformity with established written rules, policies, and guidelines of the state or state agency, the employing agency may request the attorney general to defend the officer or employee. If the agency finds, and the attorney general concurs, that the officer's or employee's conduct was fully in accordance with established written rules, policies, and guidelines of the state or a state agency and the act performed was within the scope of employment, then the request shall be granted and the costs of defense shall be paid by the requesting agency: **PROVIDED, HOWEVER,** If the agency head is the person charged, then approval must be obtained from both the attorney general and the state auditor.

NEW SECTION. Sec. 21. This 1975 amendatory act is necessary for the immediate preservation of the public peace, health, and safety, the support of the state government and its existing institutions, and shall take effect immediately."

On page 13, line 20 before "The" strike "Sec. 14." and insert "**NEW SECTION.** Sec. 22."

In line 3 of the title after "RCW 4.92.070;" and before "amending section 24", insert "amending section 1, chapter 136, Laws of 1961 as amended by section 2, chapter 159, Laws of 1963 and RCW 4.92.090; amending section 7, chapter 159, Laws of 1963 as amended by section 1, chapter 140, Laws of 1969 and RCW 4.92.130; amending section 8, chapter 159, Laws of 1963 and RCW 4.92.140; amending section 9, chapter 159, Laws of 1963 and RCW 4.92.150; amending section 10, chapter 159, Laws of 1963 as amended by section 2, chapter 140, Laws of 1969 and RCW 4.92.160; amending section 11, chapter 159, Laws of 1963 as amended by section 3, chapter 140, Laws of 1969 and RCW 4.92.170;"

In line 18 of the title after "50.16.020;" and before "adding" insert "adding a new section to chapter 4.92 RCW;"

In line 20 of the title after "RCW 43.17.080;" and before "repealing" strike "and".

In line 21 of the title after "RCW 43.17.090" and before the period, insert "; and declaring an emergency".

Signed by: Senators Rasmussen, Chairman; Buffington, Day, Knoblauch, Wana-maker.

The bill was read the second time by sections.

Senator Rasmussen moved adoption of the committee amendment to page 1.

POINT OF INQUIRY

Senator Woody: "Will Senator Rasmussen yield? I have read this particular amendment and I do not think there is much question, but for purposes of legislative intent, is it intended at all by that amendment that the Attorney General defend any criminal action?"

Senator Rasmussen: "No."

The motion by Senator Rasmussen carried and the committee amendment to page 1 was adopted.

On motion of Senator Rasmussen, the committee amendment to page 13 adding new sections was adopted.

POINT OF INQUIRY

Senator Cunningham: "Would Senator Rasmussen yield to a question? Would you just repeat your last statement for me? Did you say criminal?"

Senator Rasmussen: "Provides that if a state officer or employee is charged in a criminal action, the employee shall be defended by the Attorney General if his action was within the state or agency rules and guidelines and the scope of his employment. This is within the scope of his employment, Senator, not criminal outside of the scope of his employment. He could be charged with a criminal act within the scope of his employment."

Senator Cunningham: "Senator Rasmussen, as you know, I have been wrestling with this one myself. When the amendment was put on in committee I started to have some questions and I still have some questions with this. Something does not seem logical for a person in that this also addresses his failure to perform his duties. Something just seems wrong for the state to automatically defend any employee because he has failed to do his job, and if anybody can answer this one for me, I tried to bring it up in the caucus. I wish I were an attorney on something like this. I have a reservation. I guess I am basically suspicious."

Senator Rasmussen: "Senator Cunningham, it requires both the agency head and the Attorney General must agree that the action was within the required conditions. It is not an automatic defense. They must review the case and the actions of the employee and then make the decision as to whether or not it was within the scope of his employment. Now I could point out here this was submitted to the committee by Tom Garlington for the Highway Commission and he states, addressed to me: 'You previously invited my comments with respect to the proposed amendment offered by the Attorney General to House Bill No. 106. I am attaching hereto a copy of the summons and the complaint in which plaintiff was injured in an automobile accident, is suing George Andrews, four members of the Highway Commission, and former Highway Commissioner Harold Walsh as a result of the injuries sustained near Snoqualmie Pass, and they are suing on the basis that there was no guardrail, that the car was going seventy miles an hour and there were no speed restrictions, even though there was ice on the highway.' This is the purpose, so that you will be able to offer the defense. Now why there wasn't a guardrail, I do not know. Large stretches of that mountain highway do not have guardrails, of course."

MOTION

On motion of Senator Lewis (Harry), Engrossed House Bill No. 106, together with the pending committee amendments and the adopted committee amendments to pages 1 and 13, was ordered held for further consideration on Monday, March 10, 1975.

SECOND READING

ENGROSSED HOUSE BILL NO. 406, by Representatives Bauer, Zimmerman, McKibbin, Hawkins and Laughlin:

Authorizing retired teachers to have health insurance premiums deducted from their retirement allowances.

The bill was read the second time by sections.

On motion of Senator Mardesich, the rules were suspended, Engrossed House Bill No. 406 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. 406, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich,

Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—49.

ENGROSSED HOUSE BILL NO. 406, having received the 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. 279, by Representatives Chatalas, Curtis, Parker, Eng, Hanna and Maxie (by Department of Social and Health Services request):

Providing for support of adoption of hard to place children.

The bill was read the second time by sections.

On motion of Senator Day, the rules were suspended, Engrossed House Bill No. 279 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. 279, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—49.

ENGROSSED HOUSE BILL NO. 279, having received the 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 Mardesich, Engrossed House Bill No. 131 was ordered to hold its place on the second reading calendar for Monday, March 10, 1975.

SECOND READING

ENGROSSED HOUSE BILL NO. 1, by Representative Kilbury:

Authorizing irrigation districts to pay certain insurance premiums.

The bill was read the second time by sections.

On motion of Senator Jolly, the rules were suspended, Engrossed House Bill No. 1 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. 1, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—49.

ENGROSSED HOUSE BILL NO. 1, having received the 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 Mardesich, House Bill No. 461 was ordered to hold its place on the second reading calendar for Monday, March 10, 1975.

SECOND READING

HOUSE JOINT MEMORIAL NO. 1, by Representatives Tilly, North, Hayner and Bond:

Requesting Congress to return Memorial Day and Veterans Day to their traditional dates.

The memorial was read the second time in full.

On motion of Senator Rasmussen, the rules were suspended, House Joint Memorial No. 1 was advanced to third reading, the second reading considered the third, and the memorial was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of House Joint Memorial No. 1, and the memorial passed the Senate by the following vote: Yeas, 39; nays, 10.

Voting yea: Senators Bailey, Beck, Benitz, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Francis, Goltz, Guess, Henry, Herr, Jolly, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Marsh, Matson, McDermott, Morrison, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Wilson, Woody—39.

Voting nay: Senators Bluechel, Fleming, Gould, Grant, Jones, Mardesich, Murray, Newschwander, North, Washington—10.

HOUSE JOINT MEMORIAL NO. 1, having received the constitutional majority, was declared passed.

SECOND READING

HOUSE BILL NO. 63, by Representative Tilly:

Increasing penalty for violation of stock restricted area statutes.

The bill was read the second time by sections.

On motion of Senator Jolly, the rules were suspended, House Bill No. 63 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 Donohue: "Will Senator Sellar yield? Senator, what is the penalty if you take away the present language?"

Senator Sellar: "That is two hundred and fifty dollars or up to ninety days."

Senator Donohue: "Two hundred and fifty dollars or ninety days in jail?"

Senator Sellar: "Yes, that is the maximum penalty."

Senator Donohue: "Senator, has this been checked with the Cattlemen's Association? Do they approve of lifting this?"

Senator Sellar: "There were several cattlemen who did speak in favor of this bill when it was in the House. I am sure some of them do and some of them do not, but there are a number who did speak in favor of it. There was one case where a farmer did bring in some cattle into another area. He willfully allowed them to really graze on wheat land and he was arrested three times for it and he forfeited two dollars each time."

Senator Donohue: "I can understand this, but I am thinking about things that are accidental, perhaps. For instance, what if a fence is down due to weather? What if there are stray cattle or they stampede; they run through a fence and so forth? Is there any provision in the bill now that would protect the owner of that livestock under this provision?"

Senator Sellar: "The only thing, Senator, that the ruling would have to be that the rancher willfully allowed these cattle to stray. I queried the Douglas County prosecuting attorney on this and gave him the example of a hunter or something like that opening a gate and leaving it open and so forth, and he said that that would not apply to that case."

MOTION

On motion of Senator Donohue, House Bill No. 63 was ordered placed on the third reading calendar for Monday, March 10, 1975.

SECOND READING

HOUSE BILL NO. 189, by Representatives Bagnariol and Polk:

Authorizing water district commissioners to establish mileage reimbursement for official travel.

The bill was read the second time by sections.

Senator Woody moved adoption of the following amendment:

On page 1, line 26, after "mile]" insert "*at the mileage rate authorized in RCW 43.03.060*".

Debate ensued.

MOTIONS

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

On motion of Senator Mardesich, Senate Resolutions 15, 16 and 17 were ordered held for consideration on the eighth order of business for Monday, March 10, 1975.

Senator Peterson was granted use of the Senate Chamber on March 18, 1975 for a joint hearing by the Committee on Natural Resources on log exports.

Senator Fleming was granted use of the Senate Chamber on March 25, 1975 for a hearing on land use planning.

MOTION

At 12:07 p.m., on motion of Senator Mardesich, the Senate adjourned until 10:00 a.m., Monday, March 10, 1975.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

FIFTY-SEVENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, March 10, 1975.

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 Fleming and Scott. On motion of Senator Lewis (R. H. "Bob"), Senator Scott was excused. There being no objection, Senator Fleming was excused.

The Color Guard, consisting of Pages Terri Mayo and Wayde Hudlow, presented the Colors. Reverend Charles Loyer, pastor of Westminster United Presbyterian Church of Olympia, offered the following prayer:

"ETERNAL GOD, WE THANK YOU FOR THE OPPORTUNITY MOST OF US ENJOYED OVER THE WEEKEND TO FIND REST AND RENEWAL IN A CIRCLE OF LOVED ONES AND FRIENDS. AND NOW AS WE MOVE THROUGH THIS LAST WEEK OF THE REGULAR SESSION, MAY EACH PASSING DAY BRING ITS OWN BLESSING TO THE WORK AND THE LIVES OF THE LEGISLATORS. GRANT SPECIAL INSIGHT TO OUR SENATORS AS THEY STRIVE TO GET AT THE FACTS, ASSESS THEM, AND MAKE THE BEST POSSIBLE DECISIONS IN THE LIGHT OF ALL CONTINGENCIES. HELP THEM TO STAND ON THEIR CONVICTIONS, YET EXPRESS A WILLINGNESS TO BE PERSUADED AS WELL AS TO PERSUADE, AND CROWN THEIR EFFORTS WITH PRODUCTIVE BREAK-THROUGHS WHERE IMPASSES STILL EXIST. AMEN."

MOTION

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

REPORTS OF STANDING COMMITTEES

March 6, 1975.

SENATE BILL NO. 2183, providing for the establishment of fees for businesses and professions (reported by Committee on Commerce):

Recommendation: That Substitute Senate Bill No. 2183 be substituted therefor and the substitute bill do pass.

Signed by: Senators Van Hollebeke, Chairman; Cunningham, Morrison, Peterson, Ridder.

Passed to Committee on Rules for second reading.

March 7, 1975.

SENATE BILL NO. 2465, authorizing summary probation after commitment (reported by Judiciary Committee):

MAJORITY recommendation: Do pass and refer to the Committee on Ways and Means.

Signed by: Senators Francis, Chairman; Buffington, Fleming, Jones, Scott, Woody.
Referred to Committee on Ways and Means.

March 7, 1975.

SENATE BILL NO. 2608, revising fiscal regulation of activated air pollution authorities (reported by Committee on Ecology):

MAJORITY recommendation: Do pass.

Signed by: Senators Washington, Chairman; Goltz, Guess, North, Sandison.
Passed to Committee on Rules for second reading.

March 7, 1975.

SENATE BILL NO. 2647, providing for transfer of state land to Kitsap county (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Peterson, Chairman; Beck, Pullen, Rasmussen, Sandison, Talley.

Passed to Committee on Rules for second reading.

March 7, 1975.

SENATE BILL NO. 2710, requiring the secretary of the department of social and health services to contract for legal services for involuntary detained indigent residents (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Buffington, Jones, Scott, Van Hollebeke, Woody.

Passed to Committee on Rules for second reading.

March 7, 1975.

HOUSE BILL NO. 38, implementing law relating to recall of public officials (reported by Committee on Constitution and Elections):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Beck, Chairman; Grant, Lewis (R. H. "Bob"), Pullen, Stortini.

Passed to Committee on Rules for second reading.

March 7, 1975.

ENGROSSED HOUSE BILL NO. 281, authorizing continuation of child welfare services to age twenty-one (reported by Committee on Rules):

MAJORITY recommendation: That Engrossed House Bill No. 281 be referred to the Committee on Ways and Means.

Signed by: Senators Bailey, Bottiger, Clarke, Guess, Henry, Herr, Keefe, Lewis (Harry), Mardesich, Marsh, Matson, Newschwander, Talley.

Referred to Committee on Ways and Means.

MESSAGES FROM THE HOUSE

March 7, 1975.

Mr. President: The Speaker has signed:

HOUSE BILL NO. 124,

HOUSE BILL NO. 127,

HOUSE BILL NO. 142, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

March 7, 1975.

Mr. President: The House has passed:

SENATE BILL NO. 2177,

SENATE BILL NO. 2220,

ENGROSSED SENATE BILL NO. 2250,

SENATE BILL NO. 2266, and the same are herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

PRESIDENT'S PRIVILEGE

Governor Cherberg introduced Mrs. Al Price, Washington State Mother of the Year and Mrs. Ron Zerker, Young Mother of the Year. With permission of the Senate, business was suspended for the honored guests to address the Senate.

SIGNED BY THE PRESIDENT

The President signed:
 HOUSE BILL NO. 124,
 HOUSE BILL NO. 127,
 HOUSE BILL NO. 142.

MOTIONS

On motion of Senator Mardesich, Engrossed House Bill No. 106 and Engrossed House Bill No. 131 were ordered placed at the end of today's second reading calendar.

SECOND READING

HOUSE BILL NO. 461, by Representatives Clemente, Haussler, Moon, Flanagan, Martinis and King:

Authorizing public utility districts to collect local improvement assessments for operation and maintenance of street lights and other services.

The bill was read the second time by sections.

On motion of Senator Mardesich, the rules were suspended, House Bill No. 461 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. 461, and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—46.

Voting nay: Senator Lewis (Harry)—1.

Excused: Senators Fleming, Scott—2.

HOUSE BILL NO. 461, having received the 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 Jolly, House Bill No. 63 was ordered placed at the end of today's calendar on third reading.

SECOND READING

HOUSE BILL NO. 189, by Representatives Bagnariol and Polk:

Authorizing water district commissioners to establish mileage reimbursement for official travel.

The Senate resumed consideration of House Bill No. 189.

The following amendment was moved for adoption by Senator Woody on March 7, 1975:

On page 1, line 26, after "mile]" insert "*at the mileage rate authorized in RCW 43.03.060*".

The motion by Senator Woody carried and the amendment was adopted.

There being no objection, the amendment by Senator Lewis (Harry) on the Secretary's desk was withdrawn.

MOTIONS

On motion of Senator Lewis (R. H. "Bob"), Senator Clarke was excused.

On motion of Senator Jolly, the rules were suspended, House Bill No. 189, 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. 189, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Cunningham, Day, Donohue, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—46.

Excused: Senators Clarke, Fleming, Scott—3.

HOUSE BILL NO. 189, 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. 73, by Committee on Agriculture (originally sponsored by Representatives Sherman and Cochrane):

Requiring poultry, turkey, food fish, shellfish, meat and meat food products to be labeled if they have been frozen.

The bill was read the second time by sections.

On motion of Senator Jolly, the rules were suspended, Substitute House Bill No. 73 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. 73, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Cunningham, Day, Donohue, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—46.

Excused: Senators Clarke, Fleming, Scott—3.

SUBSTITUTE HOUSE BILL NO. 73, having received the 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. 199, by Representatives Shipoch and Flanagan:

Repealing laws relating to the Osaka exposition.

The bill was read the second time by sections.

On motion of Senator Rasmussen, the rules were suspended, House Bill No. 199 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. 199, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry,

Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—48.

Excused: Senator Scott—1.

HOUSE BILL NO. 199, having received the 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. 159, by Representatives Thompson, Hendricks and Hanna:

Restricting and regulating the sale of convict-made goods.

The bill was read the second time by sections.

On motion of Senator Day, the rules were suspended, Engrossed House Bill No. 159 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

MOTION

On motion of Senator Knoblauch, Senator Donohue was excused.

POINT OF INQUIRY

Senator Rasmussen: "Will Senator Day yield to a question? Senator Day, this is purely a technical question. I note that you struck 'director' and you inserted 'secretary.' Before the Ways and Means the other day I asked the question because I was informed they changed their title about five months ago to director. Have you any knowledge of that?"

Senator Day: "No, it is still Secretary of the Department of Social and Health Services, as far as I know. All we are doing is bringing this particular portion of the statute into conformity."

Senator Rasmussen: "Well, the party in question was Mr. Jamero, and he said they had changed their names to directors rather than secretaries because his children thought he was running a typewriter under the title of secretary and that is why they changed back to director about five months ago. It is immaterial, I presume."

Senator Odegaard: "What that change was, Senator Rasmussen, was that the overall secretaries of the department would still be secretaries, but the directors would take the place of assistant secretaries."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 159, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—47.

Excused: Senators Donohue, Scott—2.

ENGROSSED HOUSE BILL NO. 159, having received the 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. 119, by Representatives Gallagher, Jastad, Leckenby and Laughlin (by Department of Motor Vehicles request):

Exempting dealer or manufacturer of campers from licensing requirements under stated conditions.

The bill was read the second time by sections.

On motion of Senator Walgren, the rules were suspended, House Bill No. 119 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. 119, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—47.

Excused: Senators Donohue, Scott—2.

HOUSE BILL NO. 119, having received the 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. 410, by Representative Charette:

Authorizing port and public utility districts to pay costs of defense for officers and employees in actions arising out of performance of their duties.

REPORT OF STANDING COMMITTEE

March 5, 1975.

ENGROSSED HOUSE BILL NO. 410, authorizing port and public utility districts to pay costs of defense for officers and employees in actions arising out of performance of their duties (reported by Committee on Local Government):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 7, after "any" and before "officer" insert "person who is or was an".

On page 1, line 14, after "judgment" insert "or settlement".

On page 1, line 21, after "any" and before "officer" insert "person who is or was an".

On page 1, line 29, after "judgment" insert "or settlement".

Signed by: Senators Fleming, Chairman; Jolly, Lewis, (R.H. "Bob"), North, Sellar, Talley.

The bill was read the second time by sections.

Senator Fleming moved adoption of the committee amendment to page 1, line 7.

POINT OF INQUIRY

Senator Guess: "Would Senator Fleming yield? Senator Fleming, in the newspapers there is a problem of an officer of the Port of Seattle. Will this have anything to do with the charges or the alleged misactivities by that gentleman?"

Senator Fleming: "I think it would have something to do with any official if they were acting in good faith. Some of the things that I have read in the alleged situation in the papers is alleging that something was done not in good faith. They could not cover anybody that did anything that was not in good faith in the performance of their duties."

Senator Guess: "Thank you."

The motion by Senator Fleming carried and the committee amendment to page 1, line 7 was adopted.

On motion of Senator Fleming, the remaining committee amendments were adopted.

POINT OF INQUIRY

Senator Washington: "Would Senator Fleming yield to a question before we get on? The way this bill is now written, would criminal actions be defended?"

Senator Fleming: "Senator Washington, this is just merely to do with civil actions, as I understand it. Any actions that are taken or actions of officers while they are in office, if they were acting in good faith as a result of their duties, then this would cover their actions. Now if they are found that they are guilty and they did not act in good faith, they would not be covered and the court or the city or whoever it was at that point in time would withdraw their support and the individual would be on their own to defend themselves. It would only cover them when they were acting in good faith in the performance, purported performance or failure of performance in good faith."

Senator Washington: "Senator Fleming, another question. How is the good faith going to be determined except in the trial which is being defended at public expense?"

Senator Fleming: "In that case, then the individual that was being defended, if it was found that they did not act in good faith, then they would be responsible to pay back to that local body, they would be responsible for those expenses."

MOTIONS

On motion of Senator Washington, Engrossed House Bill No. 410, as amended, was ordered placed at the end of today's second reading calendar.

On motion of Senator Mardesich, Engrossed House Bill No. 537 was ordered placed at the end of today's second reading calendar.

On motion of Senator Lewis (Harry), Engrossed House Bill No. 138 was ordered placed at the end of today's second reading calendar.

At 10:50 a.m., on motion of Senator Bailey, the Senate recessed until 11:58 a.m.

SECOND MORNING SESSION

The President called the Senate to order at 11:58 a.m.

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 2128,
SENATE BILL NO. 2147,
SENATE BILL NO. 2177,
SENATE BILL NO. 2220,
SENATE BILL NO. 2250,
SENATE BILL NO. 2266.

SECOND READING

ENGROSSED HOUSE BILL NO. 316, by Representatives Sommers, O'Brien and Leckenby (by State Treasurer request):

Placing five year statute of limitations on claims against state for state warrants and permitting destruction of redeemed warrants after six years.

The bill was read the second time by sections.

On motion of Senator Rasmussen, the rules were suspended, Engrossed House Bill No. 316 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Clarke: "Will Senator Rasmussen yield? Senator Rasmussen, this relates, says 'No action shall be commenced against the state on account of any state warrant appearing to have been redeemed.' Now I am concerned about the phrase 'appearing to have been redeemed.' As far as I can ascertain, that is not a word of art and can you state what the intent is with respect to a warrant appearing to have been redeemed or what a warrant appearing to have been redeemed is?"

Senator Rasmussen: "What line are you on, Senator?"

Senator Clarke: "Line 7. That is in our black book here, line 7."

Senator Rasmussen: "Well, 'appearing to have been redeemed,' unless the claim has been presented and filed with the State Treasurer within six years of the date of issuance of such warrant. They would file a claim."

Senator Clarke: "That still does not tell me what you mean by a warrant that appears to have been redeemed. I am assuming that probably you mean a warrant that has been signed and the record shows that it has been paid. Am I correct in that assumption?"

Senator Rasmussen: "I would presume that you are right. And it might have been signed by the wrong person but it would appear to have been redeemed. Then if a person claimed that that was lost and that he did not sign it, he would have to come in within the six year period."

Senator Clarke: "So this would relate then only to instances where a warrant apparently has been paid and then someone subsequently would come in on an identical claim to recover the same money. And what you are saying is that that type of claim must be brought within five years?"

Senator Rasmussen: "Within six years."

Senator Clarke: "Six years instead of five. Thank you."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 316, and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—47.

Voting nay: Senator Guess—1.

Excused: Senator Scott—1.

ENGROSSED 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

HOUSE BILL NO. 129, by Representatives Haussler, Kilbury, Hansen and Fischer:

Increasing hospital district commissioner's allowable compensation.

The bill was read the second time by sections.

On motion of Senator Fleming the rules were suspended, House Bill No. 129 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. 129 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—48.

Excused: Senator Scott—1.

HOUSE BILL NO. 129, having received the 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. 123, by Representatives Martinis, Bausch, Clemente, Hansey, Whiteside, Kilbury, Conner, Hurley (George), Smith (Rick), Bond, Moreau and Hendricks (by Department of Game request):

Imposing a penalty assessment on game law violations.

REPORT OF STANDING COMMITTEE

February 6, 1975.

HOUSE BILL NO. 123, imposing a penalty assessment on game violations (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 11, after the "." and before "Where" insert "Penalties so assessed shall be used by the department of game for the training of department personnel, which training is necessary for the conservation of the state's wildlife resources."

Signed by: Senators Peterson, Chairman; Beck, Bluechel, Grant, Pullen, Rasmussen, Talley.

The bill was read the second time by sections.

Senator Peterson moved adoption of the committee amendment.

Debate ensued.

MOTIONS

On motion of Senator Peterson, House Bill No. 123, together with the pending committee amendment, was placed on today's second reading calendar following consideration of House Bill No. 63.

At 12:10 p.m., on motion of Senator Mardesich, the Senate recessed until 2:00 p.m.

AFTERNOON SESSION

The President called the Senate to order at 2:00 p.m.

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

MESSAGES FROM THE HOUSE

March 10, 1975.

Mr. President: The Speaker has signed:

SENATE BILL NO. 2035,

SENATE BILL NO. 2049,

SENATE BILL NO. 2163,

SENATE BILL NO. 2167,

SENATE JOINT MEMORIAL NO. 105, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

March 10, 1975.

Mr. President: The Speaker has signed:

HOUSE BILL NO. 1,

HOUSE BILL NO. 160,

HOUSE BILL NO. 276,

HOUSE BILL NO. 279,

HOUSE BILL NO. 406,

HOUSE BILL NO. 456,

HOUSE JOINT MEMORIAL NO. 1, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 1,

HOUSE BILL NO. 160,
 HOUSE BILL NO. 276,
 HOUSE BILL NO. 279,
 HOUSE BILL NO. 406,
 HOUSE BILL NO. 456,
 HOUSE JOINT MEMORIAL NO. 1.

SECOND READING

ENGROSSED HOUSE BILL NO. 106, by Representatives Chatalas, Curtis, Shinpoch, Polk, Bagnariol and North (by Legislative Budget Committee request):

Abolishing the state administrative board.

The Senate resumed consideration of Engrossed House Bill No. 106. The committee amendments were adopted on March 7, 1975.

On motion of Senator Woody, the Senate moved to reconsider the adoption of the committee amendments.

Senator Marsh moved adoption of the following amendment to the committee amendment:

Amend the State Government Committee amendment to page 13 as follows: On page 4 of the amendment, strike new section 20. Renumber the remaining section.

PARLIAMENTARY INQUIRY

Senator Clarke: "Now speaking about the Senate committee amendment on page 13, the entire amendment and this is an amendment to the amendment? Section 20 only? Have we already acted on the rest of the other committee amendments on page 13, Section 14?"

REPLY BY THE PRESIDENT

The President: "This is an amendment to the amendment, Senator Clarke."

Senator Clarke: "Which would be to this entire amendment?"

POINT OF ORDER

Senator Clarke: "Mr. President, if it is in order, I would like at this time to raise a point of order that the entire amendment increases the scope and object of the bill and I would like to speak on that point, if it is in order."

"The Senate amendment as presently proposed relates to the federal tort claims act and entirely changes the scope of the federal tort claims act. The bill as originally introduced had nothing whatsoever to do with the federal tort claims act and if you will read the scope of this entire amendment it injects a completely new subject which should be separately considered, and it has very significant effect upon the tort claims act. I am referring particularly to the amendment to Section 14 which adds to the tort claims act a proviso which removes completely from the tort claims act certain rather vague categories that I think could have a significance far beyond the original scope of the bill."

REPLY BY THE PRESIDENT

The President: "The President believes that this point presented by Senator Clarke is of such magnitude that it is going to take considerable study and the President"

MOTION

On motion of Senator Rasmussen, Engrossed House Bill No. 106 was made a special order of business for 3:55 p.m. today.

SECOND READING

ENGROSSED HOUSE BILL NO. 131, by Representatives Bauer, Hendricks, Fortson, Laughlin and McKibbin:

Requiring only that a school district make reasonable effort to maintain minimum term of school required by law in lieu of dissolution of such district.

The bill was read the second time by sections.

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

On page 1, line 21, after the proviso added by the Lewis, H./Mardesich amendment insert the following proviso: "*PROVIDED FURTHER, That school districts operating on a year-around plan commonly known as 45-15 shall by the adoption of such a plan be deemed to be making a "reasonable effort"*".

There being no objection, the two amendments by Senator Bottiger on the Secretary's desk were withdrawn.

Senator Mardesich moved adoption of the following amendment:

On page 1, line 21, after "*that year*" and before the period insert "*PROVIDED FURTHER, That any school district failing to maintain the minimum term of school required by law due to a strike or work stoppage by any of its employees shall not pay to any employee engaged in such strike or work stoppage compensation for any school days during which they were not engaged in their usual contractual duties and shall report within thirty days after the cessation of such strike or work stoppage the names of the certificated employees involved and the compensation so forfeited by such employees, which moneys shall thereafter be deducted by the superintendent from any state aid distributed to such school districts under chapter 28A.48 RCW; AND PROVIDED FURTHER, That if such school district is able to operate without loss of school days through the employment of substitute personnel during any such strike or work stoppage, or through the subsequent make-up of time lost, they shall not be subject to any deduction of funds by the superintendent under this section*".

Senator Grant moved adoption of the following amendment to the amendment by Senator Mardesich:

Strike the second proviso in the Mardesich amendment to page 1, line 21.

Debate ensued.

There being no objection, the amendment by Senator Grant to the amendment by Senator Mardesich was withdrawn.

Senator Grant moved adoption of the following amendment to the amendment by Senator Mardesich:

On line 18 of the Mardesich amendment to page 1, line 21, strike "*through the employment of substitute personnel during any such strike or work stoppage or*".

POINT OF INQUIRY

Senator Guess: "Would Senator Mardesich yield? Senator Mardesich, as I read the language now, 'that if such school district is able to operate without loss of school days,' now we have already said up above that any school district failing to maintain the minimum of school required by law through a work stoppage, so that is a contradiction there."

Senator Mardesich: "I think the distinction is that this pertains to the funding question whereas the other pertains to the question of whether or not the school district should be — whatever it is called — decertified or whatever, eliminated. That is what the gist of the bill is, but this pertains rather to the funding problem of schools."

Senator Guess: "Thank you."

Debate ensued.

POINT OF INQUIRY

Senator Odegaard: "Senator Mardesich, would you yield to a question? In your amendment, 'have the employment of substitute personnel,' do you mean certificated substitute personnel?"

Senator Mardesich: "I would think that would be inherent since no other personnel may be used for instruction and I think with response to your question of the ratio, that is a function of the State Board. I think that question should be resolved within the State Board. My answer is yes with respect to certificated personnel and what I am saying with respect to the other point is I think that we should not answer that question here."

That should be answered before the State Board as to whether the ratio of sixty is a proper one, and I think it is not. I do not think that is a proper ratio."

Senator Odegaard: "I guess then what I am saying is I question the decision of the State Board of Education that say that one teacher can handle and do a good job with sixty children and I would hope whatever happens here that they would look at that again."

POINT OF ORDER

Senator Stortini: "I believe this amendment broadens the scope and object of the bill."

The President: "The oral amendment, Senator?"

Senator Stortini: "The entire amendment."

The President declared the Senate to be at ease.

The President called the Senate to order.

March 10, 1975.

RULING BY THE PRESIDENT

The President: "In ruling on the point of order as presented by Senator Stortini, the President finds that Engrossed House Bill No. 131 is a measure to prevent the school districts from being dissolved if a reasonable effort has been made to maintain the minimum term of the school required by the law.

The amendment proposed by Senator Mardesich, however, pertains to the salary of striking school district employees and adjustments made in state-aid contributions pursuant to RCW 28A.48 and, therefore, the amendment does change the scope and object of the bill, and the point of order as raised by Senator Stortini is well taken."

The amendment by Senator Mardesich was ruled out of order.

Senator Lewis (Harry) moved adoption of the following amendment by Senators Lewis (Harry) and Mardesich:

On page 1, line 21, after "year" and before the period insert "*PROVIDED FURTHER, That in the event any school district has suffered any interruption in its normal school calendar due to a strike or other work stoppage or slowdown by any of its employees such district shall not be subject to the requirements of this section or any other provision of Title 28A. RCW pertaining to minimum number of days in any school year*"

POINT OF ORDER

Senator Grant: "I would suggest and would agree with Senator Stortini that this amendment also broadens the scope and object of this measure and should be ruled out of order."

Debate ensued.

RULING BY THE PRESIDENT

The President: "The President believes that the remarks as presented by Senator Harry Lewis are well taken and that in a sense this amendment may better describe the purpose of the bill than the bill itself. Therefore, the President believes that the amendment is within the scope and object of the bill."

The motion by Senator Lewis (Harry) carried and the amendment was adopted.

Senator Mardesich moved adoption of the following amendment:

On page 2, line 21, strike "15" and insert "30"

Debate ensued.

POINT OF INQUIRY

Senator Mardesich: "I would like Senator Henry to respond. Does he believe that there is any problem with the extension to the thirtieth then? I suppose in light of Senator Lewis's and my amendment it may not be consequential."

Senator Henry: "I will have to go along with Senator Stortini because I am not a teacher. I do not know what they do in driver's ed and summer school and all that sort of

thing, but I do not think it is necessary there now with the Mardesich-Lewis amendment that you adopted. I do not think you need the extension."

There being no objection, the amendment by Senator Mardesich was withdrawn.

On motion of Senator Stortini, the rules were suspended, Engrossed House Bill No. 131, 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. 131, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; nays, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—47.

Voting nay: Senators Newschwander, Woody—2.

ENGROSSED HOUSE BILL NO. 131, 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.

THIRD READING

HOUSE BILL NO. 63, by Representative Tilly:

Increased penalty for violation of stock restricted area statutes.

POINT OF INQUIRY

Senator Wilson: "Would Senator Sellar yield to a well phrased question? Senator Sellar, this bill increases penalties for violations of certain matters related to livestock grazing where they should not in stock restricted areas. One section of the existing law pertaining to stock restricted areas, namely, 16.24.065, states in part, 'No person owning or in control of any livestock shall willfully or negligently allow such livestock to run at large in any stock restricted area.' My question is whether you would feel that that phraseology which I have just quoted and which is part of existing law would also apply to House Bill 63 which we are now considering?"

Senator Sellar: "Yes, Senator Wilson, it is the intent that House Bill 63 would apply to that section."

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 63.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 63 and the bill passed the Senate by the following vote: Yeas, 48; absent or not voting, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—48.

Absent or not voting: Senator Guess—1.

HOUSE BILL NO. 63, having received the 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

HOUSE BILL NO. 123, by Representatives Martinis, Bausch, Clemente, Hansey, Whiteside, Kilbury, Conner, Hurley (George), Smith (Rick), Bond, Moreau and Hendricks (by Department of Game request):

Imposing a penalty assessment on game law violations.

The Senate resumed consideration of House Bill No. 123 and the committee amendment moved for adoption earlier today.

On motion of Senator Francis, the following amendment to the committee amendment was adopted:

Amend the Natural Resources Committee amendment to page 1, line 11 as follows: After "department of game for the" strike the remainder of the amendment and insert "purposes set forth in RCW 77.12.010."

The committee amendment, as amended, was adopted.

On motion of Senator Peterson the rules were suspended, House Bill No. 123, 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. 123, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 37; nays, 12.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Cunningham, Day, Fleming, Francis, Goltz, Gould, Henry, Herr, Jolly, Keefe, Knoblauch, Lewis (Harry), Mardesich, Marsh, McDermott, Morrison, Murray, North, Odegaard, Peterson, Pullen, Ridder, Sandison, Scott, Stortini, Talley, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—37.

Voting nay: Senators Clarke, Donohue, Grant, Guess, Jones, Lewis (R. H. "Bob"), Matson, Newschwander, Rasmussen, Sellar, Van Hollebeke, Woody—12.

HOUSE BILL NO. 123, 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 Washington, Engrossed House Bill No. 410 was made a special order of business for 3:40 p.m. today.

On motion of Senator Knoblauch, Senator Donohue was excused.

SECOND READING

ENGROSSED HOUSE BILL NO. 537, by Representatives Bender, Haley and King (by Superintendent of Public Instruction request):

Authorizing school districts to delegate their authority for investment of certain school funds not immediately needed.

The bill was read the second time by sections.

Senator Mardesich moved adoption of the following amendment:

On page 1, line 9, strike all of the material down to and including "be" on line 14 and insert "Any common school district board of directors is".

POINT OF INQUIRY

Senator Lewis (Harry): "Would Senator Mardesich yield? Senator Mardesich, it is my understanding that some of the third class and second class school districts are using the intermediate school districts as an investment or delegating this authority or from a practical standpoint, the intermediate school districts are handling this for them. How would this amendment affect that situation, or perhaps you could respond to the validity of my question?"

Senator Mardesich: "That is true. There is another bill which changes that school district question, but ignoring that bill for the moment, I think that merely this would allow the school board to delegate to an employee the authority to contact the county treasurer and say, 'We want these particular funds invested.' Now it may go a step further to broaden the present investing authority, which I think runs primarily to building fund accounts, to other accounts. That I am unclear. But at least it would in effect allow the school board to say to an employee or to the intermediate school district, 'You will direct the treasurer to invest these funds as they become available, whether or not the board is in session.'"

The motion by Senator Mardesich carried and the amendment was adopted.

On motion of Senator Mardesich, the following amendment was adopted:

On page 1, line 17, strike "such funds" and insert "funds described in RCW 28A.58.435 and 28A.58.440 and funds".

Debate ensued.

POINT OF INQUIRY

Senator Bailey: "A question of Senator Mardesich. Would that power you give to the directors to designate someone else, would that include an ISD representative?"

Senator Mardesich: "Yes, it does. That is on line 16."

Senator Bailey: "That does not bother the ISD?"

Senator Mardesich: "No, it allows them to give the authority either to an employee or to the intermediate school district."

POINT OF INQUIRY

Senator Odegaard: "Will Senator Mardesich yield? I was trying to figure out here why the amendment says 'including (b) on lines 13 and 14.' I only find a (b) in line 14."

Senator Mardesich: "This one must be confused with the other one then. I did not read it. It is supposed to read: You strike lines 9, 10, 11, 12, 13 and 14 down through and including the words 'board of directors shall also be' and then you would leave 'empowered to direct.' You would insert in lieu of the language stricken the following language: 'Any common school district board of directors is empowered to direct and authorize.' Are you with me. You guys on Rules brought this question up and now I am taking all the beating."

Debate ensued.

On motion of Senator Stortini the rules were suspended, Engrossed 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.

ROLL CALL

The Secretary call the roll on the final passage of Engrossed House Bill No. 537, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 2; excused, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—46.

Absent or not voting: Senators Fleming, Lewis (Harry)—2.

Excused: Senator Donohue—1.

ENGROSSED 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.

SECOND READING

ENGROSSED HOUSE BILL NO. 138, by Representatives Clemente, Brown and Warnke (by Superintendent of Public Instruction request):

Including third class school districts within second class school district category and enlarging scope of first class district classification.

The bill was read the second time by sections.

On motion of Senator Stortini, the rules were suspended, Engrossed House Bill No. 138 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Wilson: "Would Senator Stortini yield please? Senator Stortini, it is my understanding with respect to third class school districts that this bill changes their classification to a second class district and in certain areas grants them greater flexibility with respect to their operation but that nothing in this bill moves in the direction of compelling a consolidation of these school districts. Is that correct?"

Senator Stortini: "Yes, that is correct."

POINT OF INQUIRY

Senator Odegaard: "Would Senator Stortini yield to a question? Senator Stortini, as I understand it, there are certain responsibilities that first class school districts have now that second class school districts do not have. For example, first class districts can write their own warrants and the second class has to go through the county treasurer's office, and there are other examples of that. By passage of this bill, will that mean some second class districts will now become first class districts and are they ready to pick up these additional responsibilities that they might not have presently?"

Senator Stortini: "Yes, there are a number of second class districts, Senator, that have a population much greater than first class. They will then be put into the first class and assume those responsibilities, just as the third class districts that will now become second class districts will assume the responsibility of the second class district."

POINT OF INQUIRY

Senator Bailey: "Would Senator Stortini yield? Senator, you answered Senator Wilson's question about possible forced consolidation. Carry that one step further. Does this bill in any way intend to affect non-high districts which have also had a rating as a third class district? Does this in any way affect the non-high district into forcing it into a high school district?"

Senator Stortini: "No, it does not. In fact, at the present time . . ."

Senator Bailey: "I just want to know if it is the intention of the bill."

Senator Stortini: "No it is not the intent of the bill."

POINT OF INQUIRY

Senator Lewis (R. H. "Bob"): "Will Senator Stortini yield please? Senator, does this impose any additional financial burdens on any of the districts going from third to second class or second to first, any financial impact?"

Senator Stortini: "That was the first question I asked at our hearing and I was told no, there is no fiscal impact or financial burden to the third class district going into second."

POINT OF INQUIRY

Senator Lewis (Harry): "Will Senator Odegaard yield? Senator Odegaard, in the small districts many times the superintendent is appointed as a lay person, is one who does not necessarily have the credentials of the superintendent of a first class district. Will this bill affect that at all or require the hiring of additional people? I think there is some ambiguity here. I wonder if you could clarify it?"

Senator Odegaard: "As you know, Senator Lewis, I had the same concern and researched this over lunch period, and we found another RCW, 28A.01.100 which states that the superintendent of a school district, if there be no such superintendent, shall mean such other administrative or certificated employee as the school district board of directors shall so designate. So I believe this other section would take care of that problem."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 138, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—48.

Excused: Senator Donohue—1.

ENGROSSED HOUSE BILL NO. 138, having received the 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. 395, by Committee on Social and Health Services (originally sponsored by Representatives Charnley, Brown, Chatalas, Pardini, Wojahn, Chandler, Hawkins, Sherman, Williams, Haley, Matthews, Hansen, Perry, McCormick, Bender, Savage, Adams, Parker, Wilson and Dunlap):

Providing an anatomical gift form on each driver's license.

The bill was read the second time by sections.

On motion of Senator Day the rules were suspended, Engrossed Substitute House Bill No. 395 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. 395, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—48.

Excused: Senator Donohue—1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 395, having received the 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
SECOND READING

ENGROSSED HOUSE BILL NO. 410, by Representative Charette:

Authorizing port and public utility districts to pay costs of defense for officers and employees in actions arising out of performance of their duties.

The time having arrived, the Senate resumed consideration Engrossed House Bill No. 410. The committee amendments were adopted earlier today.

Senator Woody moved adoption of the following amendments simultaneously:

On page 1, line 6, after "any" and before "action" insert "civil".

On page 1, line 20, after "any" and before "action" insert "civil".

Debate ensued.

The motion by Senator Woody failed and the amendments were not adopted on a rising vote.

On motion of Senator Fleming the rules were suspended, Engrossed House Bill No. 410, 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. 410, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 36; nays, 11; absent or not voting, 1; excused, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Fleming, Francis, Goltz, Gould, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, McDermott, Morrison, Murray, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Wanamaker, Wilson—36.

Voting nay: Senators Cunningham, Grant, Guess, Marsh, Matson, Newschwander, Van Hollebeke, von Reichbauer, Walgren, Washington, Woody—11.

Absent or not voting: Senator Henry—1.

Excused: Senator Donohue—1.

ENGROSSED HOUSE BILL NO. 410, 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
SECOND READING

ENGROSSED HOUSE BILL NO. 106, by Representatives Chatalas, Curtis, Shinpoch, Polk, Bagnariol and North (by Legislative Budget Committee request):

Abolishing the state administrative board.

The time having arrived, the Senate resumed consideration of Engrossed House Bill No. 106 and the point of order by Senator Clarke on the committee amendment and the amendment following to the amendment by Senator Marsh:

Amend the State Government Committee amendment to page 13 as follows:

On page 4 of the amendment, strike new section 20. Renumber the remaining section.

RULING BY THE PRESIDENT

The President: "Senator Clarke has presented the point of order that the proposed amendment changed the scope and object of the bill. The President finds that Engrossed House Bill No. 106 eliminates the administrative board, transfers its duties to other agency, and provides for the defense of state employees and officials in civil actions. The amendment proposed by the State Government Committee increases the situations in which the state employees and officials would be defended and in addition thereto, the proposed amendment eliminates subrogation claims against the state, authorizes settlements without suits being filed in a larger amount than permitted by existing law, and gives the budget director joint control for acquiring liability insurance. The State Government Committee amendment therefore does change the scope and object of the bill and the point of order is well taken."

The committee amendment to page 13 was ruled out of order.

Debate ensued.

PARLIAMENTARY INQUIRY

Senator Cunningham: "In that the part of that amendment also began on page 1, does your ruling take that with it also? I hope."

MOTION

Senator Rasmussen moved that Engrossed House Bill No. 106 be returned to the Committee on State Government.

Debate ensued.

The motion by Senator Rasmussen failed.

REPLY BY THE PRESIDENT

The President: "Senator Cunningham, in reply to your inquiry, the President's ruling pertained to the amendment on page 13, not on page 1."

POINT OF ORDER

Senator Cunningham: "Mr. President, then I would ask for a ruling on the scope and object of the amendments on page 1 in that they cover similar if not the same as those covered on page 13, dealing with insurance and liability and the right to defend, etc."

POINT OF ORDER

Senator Day: "Did not we have a cut off time of four o'clock? Didn't we begin to consider this bill after four p.m.?"

REMARKS BY THE PRESIDENT

The President: "Were you referring to daylight time. Senator Day?"

RULING BY THE PRESIDENT

The President: "In ruling on the point of order as presented by Senator Cunningham, the President finds that Engrossed House Bill No. 106 eliminates the administrative board, transfers its duties to other agencies and provides for the defense of state employees and officials in civil actions.

The amendment proposed by the State Government Committee, on page 1, increases the situations in which the state employees and officials would be defended.

The State Government Committee amendment, therefore, does change the scope and object of the bill and the point of order is well taken."

The committee amendment to page 1 was ruled out of order.

MOTIONS

On motion of Senator Mardesich, the committee amendments to the title were not adopted.

On motion of Senator Mardesich the rules were suspended, Engrossed House Bill No. 106 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. 106, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—48.

Excused: Senator Donohue—1.

ENGROSSED HOUSE BILL NO. 106, having received the 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 Mardesich, Senate Resolutions 1975-15, 16 and 17 were ordered held on the eighth order of business for Tuesday, March 11, 1975.

On motion of Senator Mardesich, the remaining bills on today's calendar, Engrossed House Bill No. 141, Engrossed Substitute House Bill No. 87 and Engrossed House Bill No. 92 were re-referred to the Committee on Rules.

At 4:17 p.m., on motion of Senator Mardesich, the Senate adjourned until 10:00 a.m., Tuesday, March 11, 1975.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

FIFTY-EIGHTH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, March 11, 1975.

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 Bottiger, Grant, Peterson and Walgren. On motion of Senator Knoblauch, Senators Bottiger, Grant and Peterson were excused.

The Color Guard, consisting of Pages Katherine Black and Thomas Welsh, presented the Colors. Reverend Charles Loyer, pastor of Westminster United Presbyterian Church of Olympia, offered the following prayer:

"OUR HEAVENLY FATHER, WE ARE GRATEFUL FOR THIS DAY OF BRIGHT SUNSHINE AND BLUE SKIES. GRANT THAT SOME OF ITS WARMTH AND PROMISE MAY FIND THEIR WAY INTO THESE CLOISTERED HALLS. WE PRAY THAT THE TEDIUM OF COMMITTEE HEARINGS AND THE HARD WORK OF PLANNING FOR NEW RESOURCES IN A CLAIM ALREADY OVERWORKED MAY BE BROKEN BY MOMENTS OF HUMOR AND BRIGHTENED BY THE TOUCH OF OLD AND NEW FRIENDSHIPS. REWARD THE LEGISLATORS' EFFORTS TODAY WITH A MODEST SHOW OF PAY DIRT THAT THEY MAY BE ENCOURAGED TO CONTINUE THEIR GOOD WORK WITHOUT BEING TEMPTED TO OVERSPEND THEIR CREDIT. AMEN."

MOTION

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

REPORTS OF STANDING COMMITTEES

March 11, 1975.

SENATE BILL NO. 2424, coordinating public water supply system planning (reported by Committee on Ecology):

MAJORITY recommendation: That Substitute Senate Bill No. 2424 be substituted therefor and the substitute bill do pass.

Signed by: Senators Washington, Chairman; Goltz, Guess, Murray, North, Sandison.

Passed to Committee on Rules for second reading.

March 11, 1975.

SENATE BILL NO. 2443, amending Shorelines Management Law (reported by Committee on Ecology):

Recommendation: That Substitute Senate Bill No. 2443 be substituted therefor and the substitute bill do pass.

Signed by: Senators Washington, Chairman; Donohue, Goltz, Guess, Murray, North Sandison.

Passed to Committee on Rules for second reading.

March 6, 1975.

SENATE BILL NO. 2504, penalizing the taking and possession of game fish during closed seasons or in excess of limit (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass.

Signed by: Senators Peterson, Chairman; Beck, Bluechel, Lewis (Harry), Pullen, Sandison, Talley.

Passed to Committee on Rules for second reading.

March 6, 1975.

SENATE BILL NO. 2731, providing for training in trapping before license is issued (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Peterson, Chairman; Beck, Bluechel, Lewis (Harry), Sandison, Talley.

Passed to Committee on Rules for second reading.

March 6, 1975.

HOUSE BILL NO. 230, authorizing the highway commission to establish equipment requirements for unsafe road conditions (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Walgren, Chairman; Beck, Bluechel, Bottiger, Guess, Jolly, Knoblauch, Morrison, Peterson, Wanamaker.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE HOUSE

March 10, 1975.

Mr. President: The Speaker has signed:

SENATE BILL NO. 2128,

SENATE BILL NO. 2147,

SENATE BILL NO. 2177,

SENATE BILL NO. 2220,

SENATE BILL NO. 2250,

SENATE BILL NO. 2266, and the same are herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

March 10, 1975.

Mr. President: The House has passed:

SENATE BILL NO. 2051,

SENATE BILL NO. 2055,

ENGROSSED SUBSTITUTE SENATE BILL NO. 2259,

SENATE BILL NO. 2331, and the same are herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 2051,

SENATE BILL NO. 2055,

SUBSTITUTE SENATE BILL NO. 2259,

SENATE BILL NO. 2331.

MESSAGE FROM THE HOUSE

March 7, 1975.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2041, with the following amendment:

On page 1, line 11 after "or" strike "physically upon" and insert "are physically located on", and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

MOTION

On motion of Senator Fleming, the Senate concurred in the House amendment to Engrossed Senate Bill No. 2041.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2041, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 1; excused, 3.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Wilson, Woody—45.

Absent or not voting: Senator Walgren—1.

Excused: Senators Bottiger, Grant, Peterson—3.

ENGROSSED SENATE BILL NO. 2041, 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.

MOTION

On motion of Senator Knoblauch, Senator Walgren was excused.

MESSAGE FROM THE HOUSE

March 7, 1975.

Mr. President; The House has passed ENGROSSED SENATE BILL NO. 2058 with the following amendments:

On page 1, at the beginning of line 16, strike "*dishonestly*," and insert "*dishonesty*"

On page 1, line 17, after "*his*" insert "*or her*"

On page 1, line 23, after "*his*" insert "*or her*"

On page 3, line 23, after "*his*" insert "*or her*"

On page 3, line 34, after "*his*" insert "*or her*"

On page 4, line 3, after "*he*" insert "*or she*"

On page 4, line 4, after "*directed*" strike "*may constitute*" and insert "*constitutes*"

On page 4, line 6, after "*his*" insert "*or her*"

On page 4, line 10, after "*he*" insert "*or she*"

On page 4, line 16, after "*his*" insert "*or her*", and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

MOTION

On motion of Senator Day, the Senate concurred in the House amendments to Engrossed Senate Bill No. 2058.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2058, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Wilson, Woody—48.

Excused: Senator Walgren—1.

ENGROSSED SENATE BILL NO. 2058, 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.

MESSAGE FROM THE HOUSE

March 6, 1975.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2078 with the following amendments:

On page 2, line 19, after "days] strike "*is the registered owner of a vehicle*" and insert "*has a lawful right of possession of a vehicle by reason of obtaining it by purchase, exchange, gift, lease, inheritance or legal action whether or not the vehicle is subject to a security interest and means registered owner where the reference to owner may be construed as either to registered or legal owner*"

On page 2, line 23, after "means" strike "a person who [" and insert "[a person who"

On page 2, line 31, after "days]" strike "*has a lawful right of possession of a vehicle by reason of obtaining it by purchase, exchange, gift, lease, inheritance or legal action whether or not the vehicle is subject to a security interest and who has recorded that interest in the vehicle with the department*" and insert "*the person whose lawful right of possession of a vehicle has most recently been recorded with the department*", and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

MOTION

On motion of Senator Henry, the Senate concurred in the House amendments to Engrossed Senate Bill No. 2078.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2078, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; absent or not voting, 1; excused, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Wilson, Woody—47.

Absent or not voting: Senator Scott—1.

Excused: Senator Walgren—1.

ENGROSSED SENATE BILL NO. 2078, 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.

MESSAGE FROM THE HOUSE

March 7, 1975.

Mr. President: The House has passed SENATE BILL NO. 2079, with the following amendments:

On line 3 of the title after "RCW 82.50.170;" strike the word "and"

On line 4 of the title after "RCW 82.50.440" before the period insert "; and repealing section 62, chapter 299, Laws of 1971 ex. sess. and RCW 82.50.470"

On page 2 after line 7 add a new section to read as follows:

"*NEW SECTION*. Sec. 3. Section 62, chapter 299, Laws of 1971 ex. sess. and RCW 82.50.470 are each hereby repealed.", and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

MOTION

On motion of Senator Henry, the Senate refused to concur in the House amendments to Senate Bill No. 2079 and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

March 7, 1975.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2080 with the following amendments:

On page 1, line 20, strike "*motor*"

On page 1, line 20, beginning with "*unpaid*" strike all material down to and including "*herein*" on line 23, and insert "*uncollected taxes and fees paid, pursuant to this section, by a check which has subsequently been dishonored: AND PROVIDED FURTHER, That no transfer of ownership of a vehicle shall be denied to a bona fide purchaser for value of a vehicle if there are outstanding uncollected fees or taxes for which a predecessor paid, pursuant to this section, by check which has subsequently been dishonored nor shall the new owner be required to pay any fee for replacement vehicle license number plates that may be required pursuant to RCW 46.16.270*", and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

MOTIONS

On motion of Senator Henry, the Senate concurred in the House amendment to page 1, line 20, striking "*motor*"

On motion of Senator Henry, the Senate refused to concur in the House amendment to page 1, line 20, inserting new material and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

March 7, 1975.

Mr. President: The House has passed SENATE BILL NO. 2081 with the following amendments:

On page 1, line 2 of the title, after "*purchases;*" strike "*and*" and on line 2 of the title, after "*RCW*" insert "*;* and declaring an emergency"

On page 1, immediately following section 4, insert a new section as follows:

"*NEW SECTION*. Sec. 5. 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.", and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

MOTION

On motion of Senator Talley, the Senate concurred in the House amendments to Senate Bill No. 2081.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2081, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; absent or not voting, 1; excused, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Wilson, Woody—47.

Absen or not voting: Senator Scott—1.

Excused: Senator Walgren—1.

SENATE BILL NO. 2081, 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.

MESSAGE FROM THE HOUSE

March 10, 1975.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2105 with the following amendments:

On page 1, line 4 of the title, after "36.75.010;" strike everything after the semicolon through "RCW 46.04.071;" in line 5

On page 4, line 13, strike all of Section 2 through line 17.

Remember the remaining sections consecutively.

On page 24, beginning on line 14 strike all material down to and including the period on line 19, and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

MOTION

Senator Washington moved that the Senate do concur in the House amendments to Engrossed Senate Bill No. 2105.

Debate ensued.

POINT OF INQUIRY

Senator Guess: "Will Senator Washington yield? Senator Washington, I would only like your assurance that the bill will pass. We have had so much problem in the last few years in getting this type of legislation through that I am willing to settle for getting it passed in the wrong place if necessary."

Senator Washington: "All I can say is that it did come up in the House committee. It was stated in the committee that there was another bill pending. And I do want to point out that the major thrust of uniform laws relates to the movement of vehicles, so that it has a strong impact on driver safety and the cutting down of accidents. This particular amendment relating only to the definition of a bicycle does not affect the movement of vehicles and for that reason I would hate to have to send this back to the House, have the chance of having to go through conference."

POINT OF INQUIRY

Senator Woody: "Would Senator Washington yield? I understand your argument as to bicycles but the second amendment is on page 24 which strikes out two subsections, one of which says 'would provide that no person shall operate a motorcycle while carrying packages, etc. which prevents him from keeping both hands on the handle bars,' and the second one says that 'No operator shall ride in a position that will interfere with the operation or control of the motorcycle.' Why should we take those provisions out?"

Senator Washington: "I think, again, that in the operation of a vehicle, the main thing that we are concerned with in this particular bill with the uniform traffic laws is to be able to have each person who comes into the state operate his vehicle in much the same way, particularly as it relates to rules of the road. Now this particular one, I think, it is one that we could argue on. It is one that they argued on at considerable length of

time in the House committee. I was there. Whether or not you can operate a motorcycle with one hand. There was much talk that although it is against the law to operate an automobile with one hand, that we frequently do it. Many of the motorcycles, you do not have proper carrying space and that there may be conditions where you should be able to drive with one hand. I think this again is another element that could be covered. I think it is such a minor change in the entire bill, the import of the bill, that it is not worth us making an argument on. I would prefer that we would accept this, work maybe for a change in the future."

MOTION

On motion of Senator Woody, the question was divided.

The President declared the question before the Senate is the motion by Senator Washington that the Senate concur in the House amendment to the title and the amendment to page 4.

The motion by Senator Washington carried and the Senate concurred in the title amendment and the amendment to page 4.

The President declared the question before the Senate is the motion by Senator Washington that the Senate concur in the House amendment to page 24.

The motion by Senator Washington carried and the Senate concurred in the House amendment to page 24.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2105, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; absent or not voting, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—48.

Absent or not voting: Senator Lewis (R. H. "Bob")—1.

ENGROSSED SENATE BILL NO. 2105, 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.

MESSAGE FROM THE HOUSE

March 6, 1975.

Mr. President: The House has passed SENATE BILL NO. 2107 with the following amendment:

On page 1, line 10, after "thereof" insert ": PROVIDED, That in any case where a court is directed on review to enter judgment on a verdict or in any case where a judgment entered on a verdict is wholly or partly affirmed on review, interest on the judgment or on that portion of the judgment affirmed shall date back to and shall accrue from the date the verdict was rendered", and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

MOTION

On motion of Senator Francis, the Senate concurred in the House amendment to Senate Bill No. 2107.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2107, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke,

Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—49.

SENATE BILL NO. 2107, 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.

MESSAGE FROM THE HOUSE

March 10, 1975

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2141 with the following amendment:

On page 1, line 15, after the period, add a new sentence as follows: "*For the purposes of this act, the Department shall impose no conditions upon parents or guardians specifying the number of weekends such persons shall take custody of deaf and blind students.*", and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

MOTION

Senator Day moved that the Senate do concur in the House amendment to Engrossed Senate Bill No. 2141.

POINT OF INQUIRY

Senator Talley: "Would Senator Day yield? What if the child is sick, in their opinion, and should not be transferred? Under this amendment they would not have anything to say about it, would they?"

Senator Day: "No, all this does is preclude the department from imposing conditions upon the parents or guardians relative to weekend travel. Now the bill addresses itself to allowing them to go home on a weekend because we did a study of the thing and found out that it costs the state—it was a washout on cost—that if they went home the transportation costs just about were equal across the board to keeping the students at the school."

Senator Talley: "The amendment reads, though, 'For the purposes of this act the department shall impose no conditions.'

Senator Day: "That is relative to the number of weekends that they shall take custody of them. In other words, they cannot mandate that on a specific weekend the child has to go home. And it could be that at home there could be some conditions—Representative King, I understand, had a situation where it would actually work a hardship if the child came home on a particular weekend during the month and he felt that this should be in here to preclude the department mandating that this take place."

POINT OF INQUIRY

Senator Mardesich: "Would Senator Day yield? Senator Day, it was my understanding that this act would result in the savings or at least a no expense item by virtue of the fact that the travel would be offset by the fact that you had a lesser requirement for staff."

Senator Day: "Right."

Senator Mardesich: "Now under this amendment, it is going to be possible that half the parents refuse to have them come home on a particular weekend and half are going to want them to go home. And so you are going to have half traveling and all the staff there to take care of the other half and we are going to be a little out of pocket rather than the push situation."

Senator Day: "No, it is anticipated that this amendment is not going to have that kind of an impact. For one thing, if they were to stay, if half the students were to stay,

which I would seriously doubt that that would happen, why they would only have about half or less of the staff there. That is at least the intent of this and that follows relative to the entire staff, Senator Newschwander."

The motion by Senator Day carried and the Senate concurred in the House amendment to Engrossed Senate Bill No. 2141.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2141, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—49.

ENGROSSED SENATE BILL NO. 2141, 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.

MESSAGE FROM THE HOUSE

March 7, 1975.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2170 with the following amendments:

On page 2, line 2 after "horse" insert "[or team] , *cattle or sheep*,"

On page 2, line 3, after "horse [,]" strike "*or*" and insert "*;cattle or sheep*, [team]" , and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

MOTION

On motion of Senator Francis, the Senate concurred in the House amendments to Engrossed Senate Bill No. 2170.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2170, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—49.

ENGROSSED SENATE BILL NO. 2170, 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.

MESSAGE FROM THE HOUSE

March 10, 1975.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2171 with the following amendment:

On page 1, line 7, after "recognizance" strike "*or admitted to bail*", and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

MOTION

On motion of Senator Francis, the House Message on Engrossed Senate Bill No. 2171 was ordered held under the fourth order of business for Wednesday, March 12, 1975.

MESSAGE FROM THE HOUSE

March 7, 1975.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2182 with the following amendment:

On page 1, beginning on line 21, strike all of subsection (4) and renumber the following subsections consecutively, and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

MOTION

On motion of Senator Francis, the Senate concurred in the House amendment to Engrossed Senate Bill No. 2182.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2182, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—49.

ENGROSSED SENATE BILL NO. 2182, as amended by the House, having received the constitutional majority, was declared passed. These being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 7, 1975.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2233 with the following amendments:

On page 1, line 1 of the title, after "relations;" insert "amending section 1, chapter 157, Laws of 1973 1st ex. sess. and RCW 26.09.010;"

On page 1, following line 6, insert a new section as follows:

"Section 1. Section 1, chapter 157, Laws of 1973, 1st ex. sess. and RCW 26.09.010 are each amended to read as follows:

(1) Except as otherwise specifically provided herein, the practice in civil action shall govern all proceedings under this chapter, except that trial by jury is dispensed with.

(2) A proceeding for dissolution of marriage, legal separation or a declaration concerning the validity of a marriage shall be entitled "In re the marriage of _____ and _____." *Such proceeding may be filed in the superior court of the county where the petitioner resides.*

(3) In cases where there has been no prior proceeding in this state involving the marital status of the parties or custody or support obligations, a separate custody or support proceeding shall be entitled "In re the (custody) (support) of _____."

(4) The initial pleading in all proceedings for dissolution of marriage under this chapter shall be denominated a petition. A responsive pleading shall be denominated a response. Other pleadings, and all pleadings in other matters under this chapter shall be denominated as provided in the civil rules for superior court.

(5) In this chapter, "decree" includes "judgment".

(6) A decree of dissolution, of legal separation, or a declaration concerning the validity of a marriage shall not be awarded to one of the parties, but shall provide that it affects the status previously existing between the parties in the manner decreed."

Remember the remaining sections consecutively., and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

MOTION

Senator Francis moved that the Senate do concur in the House amendments to Engrossed Senate Bill No. 2233.

POINT OF INQUIRY

Senator Bottiger: "Would Senator Francis yield to a question? Senator Francis, it has been on occasion the custom where someone was not particularly desirous of having the local newspaper pick up that divorce action, in our case in Pierce County, we always went to Lewis County because it was very quiet down there. I am afraid that our putting this language in is going to express legislative intent that we have to file in the county of residence."

Senator Francis: "Senator Bottiger, I am glad you asked that question. The word 'may' was very intentionally used here. It does not say 'such proceedings shall be filed there'. It intentionally leaves open the rest of the RCW as far as venue for actions. It simply adds something to dissolutions that does not exist in other cases and that is that you can also file it in the county where the petitioner resides."

The motion by Senator Francis carried and the Senate concurred in the House amendments to Engrossed Senate Bill No. 2233.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2233, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—49.

ENGROSSED SENATE BILL NO. 2233, 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.

MESSAGE FROM THE HOUSE

March 7, 1975.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2205 with the following amendment:

On page 2, line 30 of the engrossed bill, being the senate amendment to page 2, line 29, after "liquor" insert ", controlled substance," and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

MOTION

Senator Francis moved that the Senate concur in the House amendment to Engrossed Senate Bill No. 2205.

POINT OF INQUIRY

Senator Talley: "Will Senator Francis yield? What is the difference between drugs and controlled substance?"

Senator Francis: "The thinking of the House committee was that drugs are listed in some places but that does not include all controlled substances. I think that we are safe here they do overlap, there is no question about it, but they are not precisely the same. The lists are not the same. I think the important thing is that in connection with any of those it is in violation of state law or county or city or town ordinance so that it is only those things that are prohibited that would apply."

The motion by Senator Francis carried and the Senate concurred in the House amendment to Engrossed Senate Bill No. 2205.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2205, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; nays, 2; absent or not voting, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Francis, Goltz, Gould, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—46.

Voting nay: Senators Fleming, Grant—2.

Absent or not voting: Senator Newschwander—1.

ENGROSSED SENATE BILL NO. 2205, 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.

MESSAGE FROM THE HOUSE

March 10, 1975.

Mr. President: The House has passed SUBSTITUTE SENATE BILL NO. 2252 with the following amendment:

On page 1, line 17, before "repealing section 42" strike "49.17 RCW;" and insert "47.17 RCW; amending section 10, chapter 51, Laws of 1970 ex. sess., as amended by section 1, chapter 73, Laws of 1971 ex. sess. and RCW 47.17.045;" and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

MOTION

On motion of Senator Walgren, the Senate concurred in the House amendment to Substitute Senate Bill No. 2252.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2252, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—49.

SUBSTITUTE SENATE BILL NO. 2252, 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.

MESSAGE FROM THE HOUSE

March 10, 1975.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2350 with the following amendment:

On page 1, line 21, after "*three wheels*" and before "*arranged*" insert "*driven by chain drive*", and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

MOTION

On motion of Senator Walgren, the Senate concurred in the House amendment to Engrossed Senate Bill No. 2350.

POINT OF INQUIRY

Senator Cunningham: "I wonder if Senator Walgren would yield to a question? Senator Walgren, as you know I have had some concerns on this bill. Now this bill will put certain bicycles and tricycles under the present RCW 46.61?"

Senator Walgren: "That is correct as to the extent that bicycles are operated as they are operated upon the public roads, public streets, public highways, and for purposes of transportation."

Senator Cunningham: "Senator Walgren, how about under the rules of the road it now specifically prohibits coasting. Yes, there 46.61.630."

MOTION

At 11:15 a.m., on motion of Senator Mardesich, 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 the House Message on Engrossed Senate Bill No. 2350.

MOTION

On motion of Senator Walgren, Engrossed Senate Bill No. 2350, together with the House Message, was re-referred to the Committee on Rules.

MESSAGE FROM THE HOUSE

March 10, 1975.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2082 with the following amendment:

On page 1, line 17 of the engrossed bill, being the last line of the Senate amendment, after "*service*" insert "*during such time that no private ambulance service operates in the district*", and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

MOTION

Senator Fleming moved that the Senate do concur in the House amendment to Engrossed Senate Bill No. 2082.

POINT OF INQUIRY

Senator Wilson: "Would Senator Fleming yield? You mentioned that this amendment was desirable from the standpoint of Kitsap County. With respect to all the other counties in the state, does this amendment have any particular effect? And my second question is, do the rural fire districts which were endorsing this bill have any concern with the amendment?"

Senator Fleming: "Senator Wilson, the rural fire districts, some of them, do not have any concern with the amendment itself. It is merely dealing with those areas where there is no ambulance service at the present time and those fire districts extending out to give that service. One of the areas that the rural fire districts have a concern is in the intent of the legislation, I think, and I think it will be addressed at a later time before we pass the bill."

POINT OF INQUIRY

Senator Talley: "Would Senator Fleming yield? Senator Fleming, I would like to have it clarified a little more as to that word 'districts' in there. Now a fire district can be in a completely rural area but there can still be an ambulance serving that area. How would that work out?"

Senator Fleming: "Ask the question again. I am sorry."

Senator Talley: "The word 'districts' kind of makes me think. We have fire districts and adjacent to a fire district there may be a good ambulance service. What would this word 'district' mean then?"

Senator Fleming: "Maybe Senator Walgren might want to address himself to that since it was his earlier concern, or even Senator Murray do you want to address yourself to that?"

Senator Murray: "Senator Talley, I think we need to start back with the basic bill possibly. This would take care of those situations in which the volunteer fire service is taking care of two different things. One is the aid car service and the other is the ambulance service. Now the particular amendment that was involved applied to those areas where there was no ambulance service whatsoever. No private ambulance service, so that the volunteer fire districts have assumed that and have had the people pay for it by special levy. Now the amendment that was involved in the House says that in those situations where there is no private ambulance company operating they can void the entire fee because it is already paid for by the special levy. In case a private ambulance company comes in and wants to operate, then the option would be for the fire district to not ask for the special levy. So this just takes care of those circumstances in which there is a fire district that operates an ambulance service and is funded by a special levy. And the reason it is funded by a special levy is because there is no private ambulance company that wants to operate in that area."

Senator Talley: "Another question for Senator Murray. I understood during the testimony that Whatcom County had an ambulance service but it was completely unsatisfactory and people were very unhappy with it so they formed a district and operate their own ambulances now. But under this bill they could not do it then, could they?"

Senator Murray: "The fire districts still can operate an ambulance if the fire commissioners determine how they want to handle it. This merely says they have to do that, make that determination. The fire district still has control over what they do."

Senator Talley: "But they cannot start one in a district that has an ambulance service, the way I read this amendment."

Senator Murray: "They can start one but they would have to charge for it."

MOTION

On motion of Senator Mardesich, the House Message on Engrossed Senate Bill No. 2082, together with the motion by Senator Fleming that the Senate do concur in the House amendment, held its place on the concurrence calendar for Wednesday, March 12, 1975.

MOTION

Senator Henry moved adoption of the following resolution:

SENATE RESOLUTION 1975-15

By Senator Henry:

WHEREAS, During January 1973, the Viet Nam Cease-Fire Agreement was signed in Paris; and

WHEREAS, The provisions of that agreement called for the return of American prisoners of war and an accounting of the men missing in action by the Republic of North Viet Nam; and

WHEREAS, Today, almost two years later, the fate of thirteen hundred of our prisoners or men missing in Viet Nam, Laos, Cambodia or China remains unknown; and

WHEREAS, There is no evidence that the Communists intend to comply with the provisions of requiring a return of all prisoners or requiring an accounting of the men missing in action, and requiring the return of the remains of those who died on foreign soil; and

WHEREAS, VIVA (Voices in Vital America) and the National League of Families have undertaken the task of bringing to focus attention on the plight of our prisoners of war and those missing in action; and

WHEREAS, The focus of our endeavors must be a complete rededication for freedom;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF WASHINGTON, That we do hereby proclaim our full support of the efforts of the families and friends of the American Prisoners of War and Missing in Action in South-east Asia, and call upon all citizens to support their cause and help to bring their fate to the attention of America and the world at large.

On motion of Senator Henry, the following amendment to the resolution was adopted:

After "large" and before the period on the last line of the resolution insert the following: "; and

BE IT FURTHER RESOLVED, That copies of this resolution be transmitted by the Secretary of the Senate to the Honorable Gerald R. Ford, President of the United States, to the President of the United States Senate, to the Speaker of the United States House of Representatives, and to each member of Congress from the State of Washington".

The motion by Senator Henry carried and the resolution, as amended, was unanimously adopted.

MOTIONS

On motion of Senator Mardesich, all members of the Senate were added as sponsors to Senate Resolution 1975-16.

Senator Lewis (Harry) moved adoption of the following resolution:

SENATE RESOLUTION 1975-16

By Senators Lewis (Harry), Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson and Woody:

WHEREAS, Inflation in the United States and the state of Washington has increased dramatically in the past year; and

WHEREAS, Taxes and other charges for government services have risen at rates and proportions equal to or exceeding the rate of inflation; and

WHEREAS, The elderly and other persons on fixed incomes are faced with radically decreased purchasing power as a result of the above; and

WHEREAS, The legislature, always desirous of finding solutions to the problems of the elderly and those on fixed incomes while maintaining state services, finds it difficult or impossible to accomplish that task on a piecemeal, bill by bill basis;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington in legislative session assembled, that a special committee of the Senate be created to deal with the problems of the elderly and those on fixed incomes as those problems are presented during the course of this 44th Legislative Session; and

BE IT FURTHER RESOLVED, That this bipartisan committee shall be composed of six senators with the chairman appointed by the Lieutenant Governor; and

BE IT FURTHER RESOLVED AND AUTHORIZED, That this bipartisan committee work with the Ways and Means Committee, among others, to review and recommend legislative solutions to the problems outlined.

POINT OF INQUIRY

Senator Rasmussen: "Will Senator Lewis yield? What are your intentions, Senator Lewis? To slow up the aging process for the members of the Senate by this resolution? To increase our salaries? The reason I ask this is not being facetious. We have a Council on Aging now. We have numerous branches, and whether you want to make us one of the members of the Council on Aging as a Senate group?"

Senator Lewis (Harry): "No. Senator Rasmussen, what I am proposing is that—and some of us, granted, Senator Rasmussen, are closer to the problem than others of us—but what I am really proposing is that the Senate deal with the problem specifically. We have had a Council on Aging. We have had all kinds of councils and other studies. The Secretary of State studied this problem. But I am suggesting that within the body of the Senate and, hopefully, the House of Representatives, that we will recognize that this is not just a minor thing that can be added to a committee such as Senator Day handles, and Senator Day has done an excellent job in dealing with problems of the aged. Senator Donohue meets problems of the aged in his committee. But it seems to me that we are piecemealing this thing and so I am suggesting, and the resolution suggests, that we have a committee whose responsibility is looking at, studying, and understanding and providing a meeting ground for that group of people in our state. I hope that answers your question."

Senator Rasmussen: "Thank you, Senator. You have a very high-minded purpose but from all of the people in my category and those of you who are approaching that category, the main wish that I find is, 'Good Lord, if you can get government off of my back. It is getting too expensive for me to even grow old.' And if this new commission or council or whatever you are proposing would do that it would be very meritorious but I am not so sure. Usually it ends up costing we elderly much more money just to get old. So, Mr. President, if I should abstain from voting it is because I have a conflict of interest."

The President: "You mean you ride the bus for a dime, Senator Rasmussen?"

Senator Rasmussen: "Seeing as this is a voice vote, it will probably be a very weak one."

The motion by Senator Lewis (Harry) carried and the resolution was adopted.

MOTION

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

SENATE RESOLUTION 1975-17

By Senators Matson and Bailey:

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 the committee rooms be granted to the state organization of the Young Men's Christian Association for the Youth Legislature to be held in Olympia in 1975 and 1976.

MOTION

At 1:59 p.m., on motion of Senator Mardesich, the Senate recessed until 4:00 p.m.

SECOND AFTERNOON SESSION

The President called the Senate to order at 4:00 p.m.

The President declared the Senate to be at ease subject to the Call of the President.

EVENING SESSION

The President called the Senate to order at 5:42 p.m.

MOTION

On motion of Senator Knoblauch, Senator Sandison was excused.

Senators Mardesich, Rasmussen and Matson 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 Sandison who had previously been excused.

MOTIONS

On motion of Senator Mardesich, the Senate proceeded under the Call of the Senate.

On motion of Senator Mardesich, the Senate returned to the fourth order of business.

MESSAGE FROM THE HOUSE

March 10, 1975.

Mr. President: The Speaker has signed:

HOUSE BILL NO. 63,
 SUBSTITUTE HOUSE BILL NO. 73,
 HOUSE BILL NO. 106,
 HOUSE BILL NO. 119,
 HOUSE BILL NO. 129,
 HOUSE BILL NO. 138,
 HOUSE BILL NO. 159,
 HOUSE BILL NO. 199,
 HOUSE BILL NO. 316,
 SUBSTITUTE HOUSE BILL NO. 395,
 HOUSE BILL NO. 461, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

SIGNED BY THE PRESIDENT:

The President signed:

HOUSE BILL NO. 63,
 SUBSTITUTE HOUSE BILL NO. 73,
 HOUSE BILL NO. 106,
 HOUSE BILL NO. 119,
 HOUSE BILL NO. 129,
 HOUSE BILL NO. 138,
 HOUSE BILL NO. 159,
 HOUSE BILL NO. 199,
 HOUSE BILL NO. 316,
 SUBSTITUTE HOUSE BILL NO. 395,
 HOUSE BILL NO. 461.

SIGNED BY THE PRESIDENT

The President signed:
 SENATE BILL NO. 2041,
 SENATE BILL NO. 2058
 SENATE BILL NO. 2078,
 SENATE BILL NO. 2081,
 SENATE BILL NO. 2105,
 SENATE BILL NO. 2107,
 SENATE BILL NO. 2141,
 SENATE BILL NO. 2170,
 SENATE BILL NO. 2182,
 SENATE BILL NO. 2205,
 SENATE BILL NO. 2233,
 SUBSTITUTE SENATE BILL NO. 2252.

MOTION

At 6:05 p.m., on motion of Senator Bailey, the Senate recessed until 6:35 p.m.

SECOND EVENING SESSION

The President called the Senate to order at 6:35 p.m.

REPORT OF STANDING COMMITTEE

March 11, 1975.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 111, adopting a supplemental budget (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendment:

On page 1 strike everything after the enacting clause and insert the the following:

"*NEW SECTION.* Section 1. That a supplemental budget as set forth in sections 2 through 20 of this 1975 amendatory act is hereby adopted and subject to the provisions set forth in sections 2 through 20 of this 1975 amendatory act, the several amounts specified in sections 2 through 20 of this 1975 amendatory 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, 1973 and ending June 30, 1975, except as otherwise provided, out of the several funds of the state hereinafter named.

NEW SECTION. Sec. 2. FOR THE GOVERNOR—SPECIAL APPROPRIATIONS

General Fund Appropriation: To provide effective March 1, 1975, sufficient general fund appropriations as are necessary to implement the salary increase for state classified and higher education classified employees as contained in the State Personnel Board and Higher Education Personnel Board July 1974 Salary Survey and for comparable increases for Legislative, Judicial, and Executive state employees who are exempt from the classified service: PROVIDED, That an additional sum of \$15 per month above the salary survey is added for each employee in range 13 and below under the State Personnel Board classifications and for each employee in range 21 and below under the Higher Education Personnel Board classifications: PROVIDED FURTHER, That \$2,102,445 of this amount shall be from federal sources \$12,147,130

General Fund Appropriation: To provide effective March 1, 1975, for faculty and exempt employees, excluding student employees not under the jurisdiction of the State Personnel Board or the Higher Education Personnel Board classification systems, of the four year units of higher education and the Community College Sys-

tem, an average salary increase of twelve percent: PROVIDED, That the twelve percent average salary increase shall include both incremental increases and general salary increases granted previously within the individual institutions in fiscal year 1975: PROVIDED FURTHER, That \$781 of this amount shall be from federal sources \$6,478,570

General Fund Appropriation: To provide effective March 1, 1975, sufficient general fund appropriations as are necessary to implement a 6% salary increase for commissioned members of the Washington State Patrol: PROVIDED, That \$4,444 of this amount shall be from federal sources. \$11,109

Special Fund Salary Increase Revolving Fund Appropriation: To facilitate payment of state employee salary increases from special funds, the State Treasurer is hereby directed to transfer sufficient revenue from each special fund to the Special Fund Salary Increase Revolving Fund, in accordance with schedules provided by the Office of Program Planning and Fiscal Management, as required to implement effective March 1, 1975, the salary increase for state employees as contained in the State Personnel Board and Higher Education Personnel Board July 1974 Salary Survey and for comparable increases for Legislative, Judicial, and Executive state employees who are exempt from the classified service: PROVIDED, That an additional sum of \$15 per month above the salary survey is added for each employee in range 13 and below under the State Personnel Board classifications and for each employee in range 21 and below under the Higher Education Personnel Board classifications \$6,433,258

Special Fund Salary Increase Revolving Fund Appropriation: To facilitate payment of salary increases from special funds, the State Treasurer is hereby directed to transfer sufficient revenue from each special fund to the Special Fund Salary Increase Revolving Fund, in accordance with schedules provided by the Office of Program Planning and Fiscal Management, as required to implement effective March 1, 1975, the salary increase for faculty and exempt personnel at the four year institutions of higher education and the community college system . . . \$10,056

Special Fund Salary Increase Revolving Fund Appropriation: To facilitate payment of a 6% salary increase from special funds for the Washington State Patrol, the State Treasurer is hereby directed to transfer sufficient revenue from each special fund to the Special Fund Salary Increase Revolving Fund, in accordance with schedules provided by the Office of Program Planning and Fiscal Management, as required to implement effective March 1, 1975, the salary increase for commissioned members of the Washington State Patrol. \$250,638

NEW SECTION. Sec. 3. FOR THE SUPERIOR COURT JUDGES

General Fund Appropriation \$42,255

NEW SECTION. Sec. 4. FOR THE SECRETARY OF STATE

General Fund Appropriation \$480,498

NEW SECTION. Sec. 5. FOR THE OFFICE OF PROGRAM PLANNING AND FISCAL MANAGEMENT

General Fund Appropriation: For improvements to the state accounting, payroll, and management information systems: PROVIDED, That if federal funds become available for these purposes, an amount of state funds equal to the federal funds received shall not be expended \$125,000

NEW SECTION. Sec. 6. FOR THE ATTORNEY GENERAL

General Fund Appropriation: For legal expenses attendant to anti-trust cases to which the state is a party \$120,000

NEW SECTION. Sec. 7. FOR THE DEPARTMENT OF NATURAL RESOURCES

General Fund Appropriation: For transfer to the General Fund—General Contingency Forest Fire Suppression Account, as needed, for the payment of forest fire suppression costs \$300,000

General Fund-General Contingency Forest Fire Suppression

Account Appropriation \$600,000

NEW SECTION. Sec. 8. FOR THE DEPARTMENT OF SOCIAL AND

HEALTH SERVICES

It is the intent of the legislature that of the General Fund Appropriations totaling \$20,525,000 contained in this section, \$10,150,000 shall be from state funds and \$10,375,000 shall be from federal and local funds: PROVIDED, That the Department of Social and Health Services shall construe eligibility requirements for all of its programs so as to achieve maximum practical economy and cost containment in expenditures for such programs including potential reductions in exceptions granted and more stringent imposition of and control of priority standards in all programs and in particular the Income Maintenance and Medical Assistance programs: PROVIDED FURTHER, That the Department of Social and Health Services is authorized with approval of the Ways and Means Committees of the Legislature if in session or the Legislative Budget Committee if the Legislature is not in session to shift funds from other programs within the Department of Social and Health Services or apply unanticipated receipts to reduce expenditures against state funds appropriated in this section: PROVIDED FURTHER, That the Department of Employment Security shall give priority consideration to the allocation of Comprehensive Employment and Training Act jobs made available to the state as a prime sponsor or from other prime sponsors in the state to the Department of Social and Health Services which shall utilize the maximum number of positions from those made available to reduce AFDC and GA caseloads.

General Fund Appropriation for Income Maintenance. \$900,000

General Fund Appropriation for Medical Assistance: PROVIDED, That so much as may be necessary of this appropriation shall be applied toward outstanding 1971-73 obligations for medical services, supplies, and hospital adjustments \$16,600,000

General Fund Appropriation for Community Social Services \$2,800,000

General Fund Appropriation for Administration and Supporting Services: PROVIDED, That this appropriation shall be expended to expedite the cost savings programs resulting from increased audit and management control activities including increased quality control and performance improvement programs \$225,000

NEW SECTION. Sec. 9. FOR THE DEPARTMENT OF GENERAL ADMINIS-

TRATION

General Administration Facilities and Services Revolving

Fund Appropriation. \$132,115

General Fund Appropriation: For the maintenance of Northern State Hospital in salable condition through June 30, 1975. \$79,000

NEW SECTION, Sec. 10. FOR THE BOARD OF ACCOUNTANCY

General Fund Appropriation \$28,051

NEW SECTION. Sec. 11. FOR THE OFFICE OF THE GOVERNOR

General Fund Appropriation \$25,000

NEW SECTION. Sec. 12. FOR THE DEPARTMENT OF ECOLOGY

General Fund Appropriation: For watermaster services in Walla Walla County \$2,500

NEW SECTION. Sec. 13. FOR THE WASHINGTON FUTURE PROGRAM

Appropriated to: DEPARTMENT OF ECOLOGY

General Fund—State and Local Improvement Revolving Account—Water Supply Facilities:

Appropriated pursuant to the provisions of Chapter 128, Laws of 1972 ex. sess., (referendum 27), relating to municipal and industrial water supply projects: PROVIDED, That (1) the state portion of municipal and industrial water supply projects may be as much as fifty percent; (2) the state may provide one hundred percent of the costs necessary to meet the conditions required to receive federal funds; and

(3) the state may loan one hundred percent of the eligible costs of preconstruction activities \$5,000,000

NEW SECTION. Sec. 14. FOR THE STATE BOARD FOR COMMUNITY COLLEGES

General Fund Appropriation: PROVIDED, That this appropriation shall be used for the independent development of standards of effectiveness and efficiency that will be used to support future budget requests of the community college system and to evaluate the performance of the community college system: PROVIDED FURTHER, That the standards shall represent what is determined to be reasonable and fair for the work in question while recognizing the elements of program effectiveness and operating efficiency: PROVIDED FURTHER, That the criteria to be utilized in developing the standards shall be subject to the review and of approval of the legislative budget committee: PROVIDED FURTHER, That the development of the standards shall proceed in accordance with the following schedule:

<i>Task</i>	<i>Completion Date</i>	
(1) Establish criteria that will be utilized in developing standards	March 31, 1975	
Select independent consultant	April 30, 1975	
(3) Present progress report of the independent consultant to the legislative budget committee	October 31, 1975	
(4) Present final recommendations of the independent consultant to legislative budget committee	April 30, 1976.	\$90,000

NEW SECTION. Sec. 15. FOR THE STATE TREASURER-TRANSFERS

General Fund-Investment Reserve Account Appropriation: For transfer to the General fund on or before June 29, 1975, pursuant to Chapter 50, Laws of 1969, in addition to amounts appropriated in section 89, Chapter 137, Laws of 1973 1st ex. sess. \$5,500,000

General Fund Appropriation: For transfer to General Administration Facilities and Services Revolving Fund for Messenger Archival, Parking and Buildings and Grounds Services provided to the Senate, House of Representatives, and legislative committees through June 30, 1975 \$160,000

NEW SECTION. Sec. 16. FOR THE LEGISLATURE

General Fund Appropriation: For the Legislative Budget Committee: PROVIDED, That this appropriation shall be held as a contingency fund for the Department of Social and Health Services and shall be released as determined necessary by the Legislative Budget Committee to support the Income Maintenance, Medical Assistance, and Community Social Services programs in the event the Department of Social and Health Services is unable to manage caseloads or program costs within the amounts appropriated by law for the 1973-75 biennium. \$13,200,000

NEW SECTION. Sec. 17. FOR THE LEGISLATURE

General Fund Appropriation: There is hereby appropriated, in equal amounts of the Senate and House of Representatives, the following sum, or so much thereof as may be necessary, for the purposes of, but not to be limited to, completion of the current joint pension study, continuation of present Public Service Broadcasting Television coverage of legislative activity and events, and for continued funding of the Joint Legislative Evaluation and Accountability Project: PROVIDED, That of this amount \$150,000 shall be used to retain a qualified consulting firm who shall, in conjunction with the State Personnel Board and Higher Education Personnel Board, and participation by employee organizations, complete a salary survey by October 1, 1975: PROVIDED, That such survey shall include, but not be limited

to, current procedures as used by the Higher Education Personnel Board and State Personnel Board, and shall also include and establish acceptable methodology designed to implement the survey findings, considering fringe benefits, including the pro rata employer/employee contributions as part of that salary survey: PROVIDED FURTHER, That the consulting firm shall review the overall survey, in conjunction with the State Personnel Board and Higher Education Personnel Board, and shall recommend to the Legislature not later than November 1, 1975, any new methodology necessary which will improve
the present methods used \$835,000

NEW SECTION. Sec. 18. FOR THE DEPARTMENT OF MOTOR VEHICLES

Highway Safety Fund Appropriation: For filing and service of process costs incurred by counties in habitual traffic offender cases \$332,605

NEW SECTION. Sec. 19. FOR THE DEPARTMENT OF EMPLOYMENT SECURITY.

General Fund Appropriation: PROVIDED, That this amount shall be used to contract with private training schools for the delivery of training and placement services to persons applying at Neighbors in Need Food Banks: PROVIDED, That contracts for services shall be based on performance criteria: PROVIDED, That contractors will be selected by the Department: PROVIDED FURTHER, That the Department shall report the combined results of this project as well as the prior project as well as the prior project carried out under section 22, chapter 197, Laws of 1974 ex. sess., to the legislature in January, 1976 \$75,000

NEW SECTION. Sec. 20, FOR THE SUPERINTENDENT OF PUBLIC INSTRUCTION

General Fund Appropriation: To be added to federal grant of \$2,000 for printing and publication of handbook for parents of special education students as prepared by S.P.I. task force \$4,000

Sec. 21. Section 11, chapter 197 Laws of 1974 ex. sess. (uncodified) is amended to read as follows:

FOR THE TEACHERS' RETIREMENT SYSTEM

Teachers' Retirement Fund Appropriation \$79,683

General Fund Appropriation: PROVIDED, That this amount shall be used for the implementation of Chapter [. . .] 193, Laws of 1974, [3rd] ex. sess. [(3d SHB 1274)] \$2,200,000

NEW SECTION. Sec. 22. This 1975 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."

Signed by: Donohue, Chairman; Odegaard, Vice Chairman; Wilson, Second Vice Chairman; Bailey, Fleming, Lewis (Harry), Mardesich, Marsh, Matson, Rasmussen, Washington, Woody.

MOTIONS

On motion of Senator Mardesich, the rules were suspended and Engrossed Substitute House Bill No. 111 was advanced to second reading and read the second time in full.

Senator Donohue moved adoption of the committee amendment.

On motion of Senator Donohue, the following amendments by Senator Donohue to the committee amendments were considered and adopted simultaneously:

On page 1, line 28, after "for" and before "state" on page 2, line 1, strike "Legislative, judicial and executive"

On page 2, line 4, after "the" and before "salary" insert "1974"

On page 2, line 5, strike "survey" and insert "surveys"

On page 2, line 6 after "the" and before "state" insert "1974"

On page 2, line 7, after "classifications" and before "and" insert "as of March 1, 1975"

On page 2, line 9 after "the" and before "Higher" insert "1974"

On page 2, line 10 after "classifications" and before "PROVIDED" strike ":" and insert "as of March 1, 1975:"

On page 2, line 12, strike "\$12,147,130" and insert "\$12,014,981"

On page 3 strike all of line 19.

On page 3, line 23, after "the" and before "salary" insert "1974"

On page 3, line 23, after "salary" and before "is" strike "survey" and insert "surveys"

On page 3, line 26, after "classifications" and before "and" insert "as of March 1, 1975"

On page 3, line 29, after "classifications" and before "\$6,433,258" insert "as of March 1, 1975."

On page 8, line 13, after "costs" and before "necessary" on line 14, insert ", other than construction,"

On page 9, line 2, after "and" and before "approval" line 3 strike "of"

On page 11, line 9, after "by" and before "1, 1975" strike "October" and insert "December"

On page 11, line 25, after "than" and before "any" on page 11, line 26 strike "November 1, 1975" and insert "January 1, 1976"

Senator Grant moved adoption of the following amendment to the committee amendment:

Beginning on page 2, line 24, strike all the matter down through "fiscal year 1975;" on line 29.

On page 2, line 30, strike "\$6,478,570" and insert "\$8,098,212".

Debate ensued.

The motion by Senator Grant failed and the amendment to the committee amendment was not adopted.

The motion by Senator Donohue carried and the committee amendment, as amended, was adopted.

On motion of Senator Donohue, the rules were suspended, Engrossed Substitute House Bill No. 111 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 Matson: "Would Senator Donohue yield to a question? Senator Donohue, as Senator Newschwander has indicated, there are a number of us over here that would like to support you on the budget and probably will do so. I am sure as in the case in your caucus and in our caucus there has been a great deal of concern over potentially putting ourselves in the position of mandating a tax increase. Is there anything in this supplemental budget that you would consider as mandating a tax increase?"

Senator Donohue: "The answer is no."

Senator Matson: "Let me ask one more question. If we were to carry this same level and same philosophy, same level of salaries and same philosophy of expenditures through the biennial budget, would you consider there would be anything in that that would mandate a tax increase?"

Senator Donohue: "I think that if we carry the same level from the supplemental into the biennial budget as we are now going to vote on, that it would indicate that we can in fact, with your help, Senator, and some of your people on that side of the aisle, go home with a good budget, responsible without a tax increase."

Senators Keefe, Rasmussen and Lewis (Harry) demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be the roll call on Engrossed Substitute House Bill No. 111, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House

Bill No. 111, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 37; nays, 11; excused, 1.

Voting yea: Senators Bailey, Beck, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Francis, Goltz, Gould, Guess, Henry, Herr, Jolly, Keefe, Knoblauch, Lewis (Harry), Mardesich, Marsh, Matson, McDermott, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Scott, Stortini, Talley, Van Hollebeke, Walgren, Wanamaker, Washington, Wilson, Woody—37.

Voting nay: Senators Benitz, Bluechel, Cunningham, Grant, Jones, Lewis (R. H. "Bob"), Morrison, Murray, Newschwander, Sellar, von Reichbauer—11.

Excused: Senator Sandison—1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 111, 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 Mardesich, Engrossed Substitute House Bill No. 111, as amended by the Senate, was ordered immediately transmitted to the House.

EXPLANATION OF VOTE ON ENGROSSED SUBSTITUTE HOUSE BILL NO. 111

March 11, 1975

I would like to have entered in the Journal my reason for voting "No" on ESHB 111, the supplemental budget bill, which was passed by the Senate on March 12, 1975. I cast a "No" vote in order to be appointed to a conference committee on the bill if such a need were to arise. This was my only reason for voting "No". I was in favor of the budget; however, in order to serve on any conference committee that could possibly be appointed, it was necessary for me to vote "No".

Signed by: Senator Charles E. Newschwander.

REMARKS BY THE PRESIDENT

The President: "Ladies and Gentlemen of the Senate, with the approval of the Senate, the President should at this time like to commend Senator Donohue upon the highly capable and dignified manner in which you have managed a tough job under the most difficult circumstances. The President further believes it is also appropriate to compliment the members of the Senate upon their greatly improved decorum and to your dedication to your responsibilities and duties. Thank you."

MOTIONS

On motion of Senator Mardesich, the Senate dispensed with the Call of the Senate.

At 7:28 p.m., on motion of Senator Mardesich, the Senate adjourned until 11:30 a.m., Wednesday, March 12, 1975.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

FIFTY-NINTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, March 12, 1975.

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 Senators Mardesich, Newschwander, Peterson and Woody. On motion of Senator Knoblauch, Senators Mardesich, Peterson and Woody were excused. On motion of Senator Lewis (R. H. "Bob"), Senator Newschwander was excused.

The Color Guard consisting of Pages Sheila McDougall and Streator Johnson presented the Colors, Reverend Charles Loyer, pastor of Westminster United Presbyterian Church of Olympia, offered the following prayer:

"ALMIGHTY GOD, AS WE APPROACH THE TASKS OF THIS DAY, WE COVET FOR OURSELVES A WISDOM GREATER THAN THAT WHICH WE HAVE, A PATIENCE GREATER THAN THAT WHICH WE CAN NORMALLY MUSTER, AND A SKIN THAT IS MORE RESISTENT TO THE ABRASIVE EFFECT OF RUBBING ELBOWS WITH THOSE SPECTATORS WHO ARE BOTH VAGUE AND NOISY, WE PRAY FOR THE LEGISLATORS WHO MUST EVER LIVE AND WORK IN A CLIMATE WHERE QUIET AND THOROUGH COMMITTEE EFFORT IS NOT CONSIDERED NEWSWORTHY—GRANT THAT THEY MAY ACQUIRE THE INNER RESOURCES FOR THEIR WORK NOT FROM THE RELUCTANT APPROBATION OF A FEW BUT FROM A SENSE OF HIGH COMMITMENT TO THEIR OFFICE. THIS VERY DAY, GIVE THEM THE GRACE NEEDED TO MAKE THIS LEGISLATURE AN EFFECTIVE TOOL OF THE DEMOCRATIC PROCESS AND AN IMPLEMENTER OF YOUR WILL. AMEN."

MOTION

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

REPORTS OF STANDING COMMITTEES

March 6, 1975.

SENATE BILL NO. 2142, transferring certain duties from the director of fisheries to the director of revenue (reported by Committee on Natural Resources):

MAJORITY recommendation: That Substitute Senate Bill No. 2142 be substituted therefor and the substitute bill do pass.

Signed by: Senators Peterson, Chairman; Beck, Bluechel, Pullen, Sandison, Talley.
Passed to Committee on Rules for second reading.

March 11, 1975.

SENATE BILL NO. 2297, increasing the number of Whatcom county superior court judges to three (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Buffington, Clarke, Fleming, Jones, Marsh, Scott, Van Hollebeke, Woody.

Passed to Committee on Rules for second reading.

March 6, 1975.

SENATE BILL NO. 2330, making changes in the laws relating to food fish and shellfish (reported by Committee on Natural Resources):

MAJORITY recommendation: That Substitute Senate Bill No. 2330 be substituted therefor and the substitute bill do pass.

Signed by: Senators Peterson, Chairman; Beck, Bluechel, Pullen, Rasmussen, Sandison, Talley.

Passed to Committee on Rules for second reading.

March 10, 1975.

SENATE BILL NO. 2463, relating to vocational education (reported by Committee on Higher Education):

Recommendation: That Substitute Senate Bill No. 2463 be substituted therefor and the substitute bill do pass.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Guess, Odegaard, Scott.

Passed to Committee on Rules for second reading.

March 12, 1975.

HOUSE BILL NO. 112, abolishing the accumulated sick leave fund established in the office of the superintendent of public instruction (reported by Committee on Education):

Recommendation: Do pass.

Signed by: Senators Stortini, Chairman; Francis, Gould, McDermott, Murray, Newschwander, von Reichbauer.

Passed to Committee on Rules for second reading.

March 12, 1975.

ENGROSSED HOUSE BILL NO. 158, authorizing second and third class school districts to provide housing for superintendents thereof and validating prior commitments therefor (reported by Committee on Education):

Recommendation: Do pass as amended.

Signed by: Senators Stortini, Chairman; Francis, Gould, McDermott, Murray, Newschwander, von Reichbauer.

Passed to Committee on Rules for second reading.

March 12, 1975.

ENGROSSED HOUSE BILL NO. 205, redesignating intermediate school districts with their attendant boards and officials, as educational service districts (reported by Committee on Education):

Recommendation: Do pass.

Signed by: Senators Stortini, Chairman; Francis, Gould, McDermott, Murray, Newschwander, von Reichbauer.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE GOVERNOR

March 10, 1975

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

LADIES AND GENTLEMEN:

I have the honor to advise that on March 10, 1975, Governor Evans approved the following Senate Bill, entitled:

SENATE BILL NO. 2097: Changing period of enrollment and compensation for enrollees in the youth corps and reducing the time privately owned recreation areas developed by enrollees must be available to the public.

Sincerely,
CHI-DOOH LI
Legal Counsel.

MESSAGES FROM THE HOUSE

March 11, 1975.

Mr. President: The Speaker has signed:
 SENATE BILL NO. 2051,
 SENATE BILL NO. 2055,
 SUBSTITUTE SENATE BILL NO. 2259,
 SENATE BILL NO. 2331, and the same are herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

March 11, 1975.

Mr. President: The House concurred in the Senate amendments to ENGROSSED HOUSE BILL NO. 410 and passed the bill as amended by the Senate.

DONALD R. WILSON, Assistant Chief Clerk.

March 11, 1975.

Mr. President: The House concurred in the Senate amendment to HOUSE BILL NO. 123 and passed the bill as amended by the Senate.

DONALD R. WILSON, Assistant Chief Clerk.

March 11, 1975.

Mr. President: The House concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 132 and passed the bill as amended by the Senate.

DONALD R. WILSON, Assistant Chief Clerk.

March 11, 1975.

Mr. President: The House has passed SUBSTITUTE HOUSE BILL NO. 360, and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

March 11, 1975.

Mr. President: The House concurred in the Senate amendments to HOUSE BILL NO. 48 and passed the bill as amended by the Senate.

DONALD R. WILSON, Assistant Chief Clerk.

March 11, 1975.

Mr. President: The House concurred in the Senate amendments to ENGROSSED HOUSE BILL NO. 17 and passed the bill as amended by the Senate.

DONALD R. WILSON, Assistant Chief Clerk.

MESSAGE FROM THE HOUSE

March 10, 1975.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2082 with the following amendment:

On page 1, line 17 of the engrossed bill, being the last line of the Senate amendment, after "service" insert "during such time that no private ambulance service operates in the district," and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

The Senate resumed consideration of the House Message on Engrossed Senate Bill No. 2082 and the motion on March 11, 1975 by Senator Fleming that the Senate do concur in the House amendment.

POINT OF INQUIRY

Senator Bluechel: "Mr. President, to establish legislative intent under Section 2 of Senate Bill 2082 which reads as follows: 'Any fire protection district which provides ambulance service pursuant to RCW 52.08.030 shall pursuant to a resolution establish and collect charges for such services in order to reimburse the district for all costs of providing such services,' My question is, and I ask this of Senator Fleming if he will yield? My question is, how are these costs determined and who makes this determination?"

Senator Fleming: "Mr. President and members of the Senate, Senator Bluechel, that is a very good question and that was one of the areas that there was some concern in. As far as the bill as drafted and the intent of the bill, it is the intention that the fire commissioner district shall set the fee based on their evaluation and their determination of the cost to the fire district, so it would be the fire commissioners that would set the fee."

The motion by Senator Fleming carried and the Senate concurred in the House amendment to Engrossed Senate Bill No. 2082.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2082, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; excused, 4.

Voting yea: Senators Bailey, Beck, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Marsh, Matson, McDermott, Morrison, Murray, North, Odegaard, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wana-maker, Washington, Wilson—44.

Voting nay: Senator Benitz—1.

Excused: Senators Mardesich, Newschwander, Peterson, Woody—4.

ENGROSSED SENATE BILL NO. 2082, 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.

MESSAGE FROM THE HOUSE

March 10, 1975.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2171 with the following amendment:

On page 1, line 7, after "recognizance" strike "or admitted to bail," and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

The Senate resumed consideration of the House Message on Engrossed Senate Bill No. 2171 and the House amendment thereto.

MOTION

On motion of Senator Francis, the Senate refused to concur in the House amendment to Engrossed Senate Bill No. 2171 and asks the House to recede therefrom.

INTRODUCTION AND FIRST READING

SUBSTITUTE HOUSE BILL NO. 360, by Committee on Transportation and Utilities (originally sponsored by Representatives Kalich and Jastad):

Making an emergency appropriation for the operation of the Puget Island Ferry for the remaining portion of the 1973-1975 biennium.

Referred to Committee on Transportation and Utilities.

MOTION

At 11:52 a.m., on motion of Senator Walgren, 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 Walgren, the Senate returned to the fifth order of business.

MESSAGE FROM THE HOUSE

March 12, 1975.

Mr. President: The House concurred in the Senate amendments to ENGROSSED HOUSE BILL NO. 537 and passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

March 12, 1975.

Mr. President: The House concurred in the Senate amendments to ENGROSSED HOUSE BILL NO. 18 and passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

March 12, 1975.

Mr. President: The Speaker has signed:

SENATE BILL NO. 2041,

SENATE BILL NO. 2058,

SENATE BILL NO. 2078,

SENATE BILL NO. 2081,

SENATE BILL NO. 2105,

SENATE BILL NO. 2107,

SENATE BILL NO. 2141,

SENATE BILL NO. 2170,

SENATE BILL NO. 2182,

SENATE BILL NO. 2205,

SENATE BILL NO. 2233,

SUBSTITUTE SENATE BILL NO. 2252, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

March 12, 1975.

Mr. President: The Speaker has signed:

HOUSE BILL NO. 17,

HOUSE BILL NO. 48,

HOUSE BILL NO. 123,

SUBSTITUTE HOUSE BILL NO. 132,

HOUSE BILL NO. 410, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 17,

HOUSE BILL NO. 48,

HOUSE BILL NO. 123,

SUBSTITUTE HOUSE BILL NO. 132,

HOUSE BILL NO. 410.

INTRODUCTION AND FIRST READING

SENATE CONCURRENT RESOLUTION NO. 107, by Senators Bailey, Mardesich, Matson and Lewis (Harry):

Providing for the return of bills to their respective houses.

MOTIONS

On motion of Senator Walgren, the rules were suspended, Senate Concurrent Resolution No. 107 was advanced to second reading and read the second time in full.

On motion of Senator Walgren, the rules were suspended, Senate Concurrent Resolution No. 107 was advanced to third reading, the second reading considered the third and the resolution was adopted.

On motion of Senator Walgren, the Senate returned to the fourth order of business.

MESSAGE FROM THE HOUSE

March 12, 1975.

Mr. President: The House refuses to recede from House amendment to page 1, line 20, the second amendment to ENGROSSED SENATE BILL NO. 2080, and once again asks the Senate to concur in the amendment, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Walgren, the Senate concurred in the House amendment to Engrossed Senate Bill No. 2080.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2080, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; absent or not voting, 4; excused, 4.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Buffington, Clarke, Cunningham, Donohue, Fleming, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Marsh, Matson, Morrison, Murray, North, Odegaard, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—41.

Absent or not voting: Senators Bottiger, Day, Francis, McDermott—4.

Excused: Senators Mardesich, Newschwander, Peterson, Woody—4.

ENGROSSED SENATE BILL NO. 2080, 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.

CONFIRMATIONS OF GUBERNATORIAL APPOINTMENTS
MOTION

On motion of Senator Knoblauch, the appointment of EUSTACE VYNNE, JR. as a member of the Washington State Parks and Recreation Commission was confirmed.

APPOINTMENT OF EUSTACE VYNNE, JR.

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Marsh, Matson, McDermott, Morrison, Murray, North, Odegaard, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—45.

Excused: Senators Mardesich, Newschwander, Peterson, Woody—4.

MOTION

On motion of Senator Knoblauch, the appointment of BEN HAYES as a member of the Washington State Parks and Recreation Commission was confirmed.

APPOINTMENT OF BEN HAYES

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Marsh, Matson, McDermott, Morrison, Murray, North, Odegaard, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—45.

Excused: Senators Mardesich, Newschwander, Peterson, Woody—4.

MOTION

On motion of Senator Knoblauch, the appointment of JEFF DOMASKIN as a member of the Washington State Parks and Recreation Commission was confirmed:

APPOINTMENT OF JEFF DOMASKIN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Marsh, Matson, McDermott, Morrison, Murray, North, Odegaard, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—45.

Excused: Senators Mardesich, Newschwander, Peterson, Woody—4.

MOTION

On motion of Senator Bluechel, the appointment of JAMES B. MITCHELL as a member of the Washington State Board of Pharmacy was confirmed,

APPOINTMENT OF JAMES B. MITCHELL

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Marsh, Matson, McDermott, Morrison, Murray, North, Odegaard, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—45.

Excused: Senators Mardesich, Newschwander, Peterson, Woody—4.

MOTION

On motion of Senator Walgren, the appointment of TED TANIGUCHI as a member of the Washington State Board of Pharmacy was confirmed.

APPOINTMENT OF TED TANIGUCHI

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry,

Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Marsh, Matson, McDermott, Morrison, Murray, North, Odegaard, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—45.

Excused: Senators Mardesich, Newschwander, Peterson, Woody—4.

MOTION

On motion of Senator Sandison, the appointment of PAUL E. SCHAAKE as a member of the Central Washington State College Board of Trustees was confirmed.

APPOINTMENT OF PAUL E. SCHAAKE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Marsh, Matson, McDermott, Morrison, Murray, North, Odegaard, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—45.

Excused: Senators Mardesich, Newschwander, Peterson, Woody—4.

MOTION

On motion of Senator Walgren, the Senate returned to the first order of business.

REPORT OF STANDING COMMITTEE

March 12, 1975.

HOUSE BILL NO. 230, authorizing the highway commission to establish equipment requirements for unsafe road conditions (reported by Committee on Rules):

MAJORITY recommendation: That House Bill No. 230 be referred to Committee on Transportation and Utilities.

Signed by: Lieutenant Governor Cherberg, Chairman; Senators Bailey, Clarke, Guess, Henry, Herr, Keefe, Lewis (Harry), Marsh, Matson, Talley.

Referred to Committee on Transportation and Utilities.

MESSAGE FROM THE HOUSE

March 12, 1975.

Mr. President: The House refuses to concur in the Senate amendments to ENGROSSED HOUSE BILL NO. 131 both amendments on page 1, line 21 of the engrossed bill, and asks the Senate to recede therefrom, and the same is herewith transmitted.

DEAN FOSTER, Chief Clerk.

MOTION

On motion of Senator Walgren, the Senate refused to recede from the Senate amendments to Engrossed House Bill No. 121, and asks the House for a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed House Bill No. 121 and the Senate amendments thereto: Senators Bottiger, Lewis (Harry) and Stortini.

MOTION

On motion of Senator Walgren, the Conference Committee appointments were confirmed.

MOTION

At 2:05 p.m., on motion of Senator Walgren, the Senate adjourned until 11:30 a.m., Thursday, March 13, 1975.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

SIXTIETH DAY

MORNING SESSION

Senate Chamber, Olympia Thursday, March 13, 1975.

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 Senators Donohue, Mardesich, Matson and Newschwander. On motion of Senator Lewis, (R. H. "Bob"), Senators Matson and Newschwander were excused. On motion of Senator Knoblauch, Senators Donohue and Mardesich were excused.

The Color Guard, consisting of Pages Paula Laine and Marcus Heriot, presented the Colors. Reverend Charles Loyer, pastor of Westminster United Presbyterian Church of Olympia, offered the following prayer:

"ALMIGHTY GOD, CREATOR AND SUSTAINER OF LIFE, WE THANK YOU FOR THE HERITAGE OF OUR STATE, OUR RICH NATURAL RESOURCES, OUR MULTI-RACIAL SOCIETY, AND THE FREEDOMS WE ENJOY. GRANT, OUR FATHER, THAT THESE PRICELESS TREASURES MAY NEVER BE MISUSED. GUIDE THE LEGISLATORS IN THEIR LAW-MAKING THAT THEIR DECISIONS MAY ASSURE FOR ALL AN EQUITABLE SHARE IN OUR HERITAGE AND SECURE FOR FUTURE GENERATIONS THE BEST POSSIBLE WORLD IN WHICH TO LIVE. AMEN."

MOTION

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

REPORTS OF STANDING COMMITTEES

March 13, 1975.

SENATE BILL NO. 2180, revising law on withholding employees' wages (re-reported by Committee on Labor):

MAJORITY recommendation: That Substitute Senate Bill No. 2180 be substituted therefor and the substitute bill do pass.

Signed by: Senators Ridder, Chairman; Bailey, Grant, Morrison, von Reichbauer.
Passed to Committee on Rules for second reading.

March 13, 1975.

SENATE BILL NO. 2295, providing that employers on the federal list who have not complied with minimum wage laws shall not be awarded state contracts (reported by Committee on Labor):

MAJORITY recommendation: That Substitute Senate Bill No. 2295 be substituted therefor and the substitute bill do pass.

Signed by: Senators Ridder, Chairman; Bailey, Grant, Morrison, Sellar, von Reichbauer.

Passed to Committee on Rules for second reading.

March 12, 1975.

SENATE BILL NO. 2309, establishing concurrent jurisdiction between the United States and Washington to veterans hospitals located at Vancouver, Walla Walla, and American Lake (reported by Committee on Social and Health Services).

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; Buffington, Cunningham, Goltz, Gould, North, Ridder.

Passed to Committee on Rules for second reading.

March 13, 1975.

SENATE BILL NO. 2322, granting medical aid benefits under the industrial insurance act to volunteers (reported by Committee on Labor):

MAJORITY recommendation: That Substitute Senate Bill No. 2322 be substituted therefor and the substitute bill do pass.

Signed by: Senators Ridder, Chairman; Bailey, Grant, Morrison, Sellar, von Reichbauer.

Passed to Committee on Rules for second reading.

March 12, 1975.

SENATE JOINT RESOLUTION NO. 129, amending the state constitution (reported by Committee on Constitution and Elections):

MAJORITY recommendation: That Substitute Senate Joint Resolution No. 129 be substituted therefor and the substitute joint resolution do pass.

Signed by: Senators Beck, Chairman; Grant, Lewis (R. H. "Bob"), Stortini, Washington.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE GOVERNOR

March 12, 1975.

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

LADIES AND GENTLEMEN:

I have the honor to advise that on March 12, 1975, Governor Evans approved the following Senate Bill, entitled:

SENATE BILL NO. 2163: An act relating to the designation of an official state gem.

Sincerely,
CHI-DOOH LI
Legal Counsel

MESSAGE FROM THE GOVERNOR

March 13, 1975.

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

LADIES AND GENTLEMEN:

You are cordially invited to attend a dedication ceremony for the recently completed Legislative Circle and East Campus Flag Plazas. The ceremony will be conducted from 9:00 to 9:30 A.M. on Friday, March 14, 1975, in front of the Legislative Building. A space of honor for members of the Legislature will be reserved on the Legislative Building steps.

The development of flag plazas on the east and west capitol campus was authorized by the State Capitol Committee in March, 1974 as part of the Capitol Campus Master Development Plan. Flags will be flown 24 hours a day from these standards and will be illuminated at night by lights installed for this purpose.

Your presence will lend considerable significance to this ceremony dedicating the flag plazas to the people of the State of Washington.

Respectfully submitted,
DANIEL J. EVANS
Governor.

MESSAGE FROM THE GOVERNOR

March 13, 1975.

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

LADIES AND GENTLEMEN:

I have the honor to forward to you a copy of the Proclamation by Governor Evans calling a special session.

Sincerely,
CHI-DOOH LI
Legal Counsel.

PROCLAMATION BY THE GOVERNOR

In accordance with the constitutional limitation in Article II, section 12 on the duration of legislative sessions, the 44th session of the Washington State Legislature will be adjourned on March 13, 1975, the sixtieth day of the session. It has become more apparent than ever that the 60-day limit to regular sessions of the legislature does not allow sufficient consideration of the problems our state faces today, and the legislature can no longer look on adjournment after 60 days as a realistic goal.

Final action on the major issues involving essential needs of our citizens is not forthcoming before the end of the regular session, and in recognition thereof I intend to call the legislature to convene in extraordinary session immediately following adjournment of the regular session. I trust the legislature, once convened, will take needed action on critical legislation in the areas of constitutional reform, transportation, energy, natural resources, human resources, law and justice, education, and governmental improvement.

NOW, THEREFORE, I, Daniel J. Evans, Governor of the State of Washington, by virtue of the authority vested in me by the Constitution, do hereby convene the Legislature of the State of Washington in extraordinary session in the Capitol at Olympia on the 14th day of March, A.D. 1975, at the hour of nine o'clock a.m., for the purposes stated herein.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the State of Washington to be affixed at Olympia, this 12th day of March, A. D. Nineteen Hundred and Seventy-Five.

DANIEL J. EVANS
Governor of Washington.
BY THE GOVERNOR:
Bruce K. Chapman
Secretary of State.

MESSAGE FROM THE HOUSE

March 12, 1975.

Mr. President: The House refuses to recede from House amendments to SENATE BILL NO. 2079 and once again asks the Senate to concur in House amendments and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Waigren, the Senate refused to concur in the House amendments to Senate Bill No. 2079 and asks the House for a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Senate Bill No. 2079 and the House amendments thereto: Senators Henry, Murray and Beck.

MOTION

On motion of Senator Waigren, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

March 12, 1975.

Mr. President: The House refuses to concur in the Senate amendment to HOUSE BILL NO. 189 on page 1, line 26, and asks the Senate to recede therefrom and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

Senator Fleming moved that the Senate do recede from the Senate amendment to House Bill No. 189 on page 1, line 26 and pass the bill without the Senate amendment.

POINT OF INQUIRY

Senator Lewis (Harry): "Will Senator Fleming yield? Can you explain the situation a little bit?"

Senator Fleming: "Yes, I will, Senator Lewis. Unfortunately, I was not here on the day that we adopted this amendment. Senator Woody did try to put my side of the issue to the body. We discussed it with the prime sponsors over in the House, the people that would be affected by it. We discussed it with Senator Woody, and in view of the fact that we had done this in other areas and so forth, we felt as though this was the right way to go and there was nothing that we should be bickering about."

Senator Woody: "To further answer your question, this is the thirteen cents a mile limitation. As you know through the Legislative Budget Committee, we are trying to make it uniform by all government people, whether they be the employer or the employee, and put a maximum on it. The LBC has done quite a study. But Senator Herr has convinced me that since we have erroneously allowed others to do this sort of thing we might as well continue with the error."

POINT OF INQUIRY

Senator Lewis (Harry): "Mr. President, that kind of logic just strikes at the heart of irrationality as far as I am concerned, Senator Woody. You know what you are saying is, because we have propounded one felony, therefore it is rational that we just continue down the same merry road. And what this bill does is it provides an open end basis for travel expense. The only restriction it is in water districts. I suppose the bill is not that heavy but I have great difficulty understanding the reasoning. Now I had an identical amendment that I thought perhaps was maybe drafted a little better than yours, but your amendment hung and I was glad to support that and I listened to your persuasive arguments in speaking for your amendment and I felt that you were right. I recall Senator Woody, you said that merely because we have not done this everywhere else does not mean that this is not the proper way and the thirteen cents a mile is what state employees are getting in other areas and there is no reason that a water commissioner should get more mileage than other people who are driving for public agencies in the state. I remember those arguments that you presented, Senator Woody, and I do not understand how your position can change. Are you saying that your amendment is not correct? Are you saying that it is not deserving? Are you saying that they should have special treatment above other state employees? These are the things that I do not understand and I certainly would appreciate the prime sponsor of the amendment explaining why he changed his mind."

Senator Woody: "Everything that you have said so far is true and accurate. Our mutual reasoning at the outset was true. It remains true. My only position in not running away but backing off, so to speak, was because it is not a very big thing and apparently the House is awfully excited about this sort of thing."

POINT OF INQUIRY

Senator Rasmussen: "Senator Woody, would you yield to a further question? Senator Woody, when you were young, did your parents ever read you the story about the little Dutch boy that held his finger in the hole in the dike and saved the whole of Holland?"

Senator Woody: "I read that story myself."

Senator Rasmussen: "Well then, Senator Woody, would you liken this situation of the amendment to that little boy with his finger in the dike, saving the whole state of Washington?"

Senator Woody: "I am sorry, Senator Herr, but I am going to have to switch."

Senator Rasmussen: "Mr. President, we have apparently found out who pulled the finger out of the dike."

Debate ensued.

POINT OF INQUIRY

Senator Lewis (Harry): "Would Senator Woody yield to a question? Senator Woody, in remembering your amendment, did it not refer to an RCW that provided the setting of a standard and provide for increases in mileage as developed by OPP&FM or the state? Your amendment did not restrict it to thirteen cents, what I am saying, as I understood the amendment, the amendment had the flexibility of adjustment as determined by the state and I think that was correct."

Senator Woody: "The amendment had the reference of RCW 43.03.060, I believe, and I would have to look up that again to see whether it allows for an increase by OPP&FM if the study were to show that the cost increased substantially. I might note that some of the extreme examples that are used is traveling from Olympia to Spokane and back and if you do not do it by automobile but do it by air that you cannot do it for thirteen cents a mile. Two hundred and fifty miles, I think Senator Walgren was able to demonstrate to us that most cars get about twelve miles to the gallon. They would spend about twelve dollars on a one way trip for gasoline and be able to bill thirty-two dollars and fifty cents at thirteen cents a mile."

Senator Lewis (Harry): "Thank you, Senator Woody."

The motion by Senator Fleming failed on a rising vote.

MOTION

On motion of Senator Lewis (Harry), the Senate adhered to its position on House Bill No. 189 and the Senate amendment thereto and again asks the House to concur.

SIGNED BY THE PRESIDENT

The President signed:
SENATE BILL NO. 2080,
SENATE BILL NO. 2082.

MOTION

On motion of Senator Sandison, Gubernatorial Appointment No. 119, Catherine Hunter as a member of the Board of Trustees of Central Washington State College, was re-referred to the Committee on Rules.

MOTION

At 12:00 noon, on motion of Senator Walgren, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.

MESSAGES FROM THE HOUSE

March 13, 1975.

Mr. President: The Speaker has signed:
HOUSE BILL NO. 18,
HOUSE BILL NO. 537, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

March 13, 1975.

Mr. President: The Speaker has signed:
SENATE BILL NO. 2080,
SENATE BILL NO. 2082, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:
HOUSE BILL NO. 18,
HOUSE BILL NO. 537.

MOTION

At 1:42 p.m., on motion of Senator Mardesich, the Senate recessed subject to the call of the President.

SECOND AFTERNOON SESSION

The President called the Senate to order at 2:35 p.m.

MOTION

At 2:36 p.m., on motion of Senator Bailey, the Senate recessed until 2:53 p.m.

THIRD AFTERNOON SESSION

The President called the Senate to order at 2:53 p.m.

MESSAGES FROM THE HOUSE

March 13, 1975.

Mr. President: The House has concurred in the Senate amendment to ENGROSSED SUBSTITUTE HOUSE BILL NO. 111, and passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

March 13, 1975.

Mr. President: The House has adopted: SENATE CONCURRENT RESOLUTION NO. 107, and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

March 13, 1975.

Mr. President: The Speaker has signed: SUBSTITUTE HOUSE BILL NO. 111, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MESSAGE FROM THE HOUSE

March 13, 1975.

Mr. President: In accordance with Senate Concurrent Resolution No. 107, the following bills are transmitted to the Senate:

ENGROSSED SUBSTITUTE SENATE BILL NO. 2006,
 SENATE BILL NO. 2021,
 SENATE BILL NO. 2024,
 SENATE BILL NO. 2026,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 2036,
 ENGROSSED SENATE BILL NO. 2044,
 ENGROSSED SENATE BILL NO. 2046,
 ENGROSSED SENATE BILL NO. 2070,
 ENGROSSED SENATE BILL NO. 2072,
 SENATE BILL NO. 2074,
 SENATE BILL NO. 2079,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 2088,
 ENGROSSED SENATE BILL NO. 2090,
 ENGROSSED SENATE BILL NO. 2096,
 SENATE BILL NO. 2106,
 SUBSTITUTE SENATE BILL NO. 2110,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 2125,
 SENATE BILL NO. 2127,
 SUBSTITUTE SENATE BILL NO. 2137,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 2150,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 2159,
 ENGROSSED SENATE BILL NO. 2171,
 ENGROSSED SENATE BILL NO. 2172,
 SENATE BILL NO. 2190,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 2191,
 ENGROSSED SENATE BILL NO. 2192,
 ENGROSSED SENATE BILL NO. 2203,
 SENATE BILL NO. 2206,
 ENGROSSED SENATE BILL NO. 2210,
 ENGROSSED SENATE BILL NO. 2215,
 ENGROSSED SENATE BILL NO. 2227,
 ENGROSSED SENATE BILL NO. 2242,
 SUBSTITUTE SENATE BILL NO. 2249,
 ENGROSSED SENATE BILL NO. 2268,

ENGROSSED SENATE BILL NO. 2271,
 SENATE BILL NO. 2285,
 ENGROSSED SENATE BILL NO. 2300,
 ENGROSSED SENATE BILL NO. 2329,
 ENGROSSED SENATE BILL NO. 2343,
 ENGROSSED SENATE BILL NO. 2381,
 ENGROSSED SENATE BILL NO. 2384,
 ENGROSSED SENATE BILL NO. 2385,
 ENGROSSED SENATE BILL NO. 2402,
 ENGROSSED SUBSTITUTE SENATE BILL NO. 2423,
 ENGROSSED SENATE BILL NO. 2434,
 SENATE BILL NO. 2452, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MESSAGE FROM THE HOUSE

March 13, 1975.

Mr. President: In accordance with Senate Concurrent Resolution No. 107, the following bills are transmitted to the Senate:

ENGROSSED SENATE JOINT MEMORIAL NO. 104,
 ENGROSSED SENATE JOINT MEMORIAL NO. 106,
 SENATE JOINT MEMORIAL NO. 108,
 SENATE JOINT RESOLUTION NO. 110,
 SENATE CONCURRENT RESOLUTION NO. 101,
 SENATE CONCURRENT RESOLUTION NO. 102, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE HOUSE BILL NO. 111.

INTRODUCTION AND FIRST READING

SENATE CONCURRENT RESOLUTION NO. 108, by Senators Bailey, Mardesich, Matson and Lewis (Harry):

Informing Governor legislature is ready to adjourn SINE DIE.

MOTIONS

On motion of Senator Mardesich, the rules were suspended, Senate Concurrent Resolution No. 108 was advanced to second reading and read the second time in full.

On motion of Senator Mardesich, the rules were suspended, Senate Concurrent Resolution No. 108 was advanced to third reading, the second reading considered the third, and the resolution was adopted.

PERMISSION GRANTED FOR USE OF SENATE CHAMBER

Permission was granted to Senator Peterson for use of the Senate Chamber on March 27, 1975 beginning at 7:00 p.m. for a hearing on repeal of the Forest Practices Act.

MOTION

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

SENATE RESOLUTION 1975-18

By Senators Bailey, Mardesich, Matson and Lewis (Harry):

BE IT RESOLVED, That a committee of three members of the Senate is appointed to notify the House that the Senate is ready to adjourn SINE DIE.

APPOINTMENT OF SPECIAL COMMITTEE

Under the provisions of Senate Resolution 1975-18, the President appointed Senators Bluechel, McDermott and Peterson as a committee of three to notify the House that the Senate is ready to adjourn SINE DIE.

MOTION

On motion of Senator Mardesich, the committee appointments were confirmed.

APPOINTMENT OF SPECIAL COMMITTEE

Under the provisions of Senate Concurrent Resolution No. 108, the President appointed Senators Donohue, Pullen and Day to join with a like committee from the House to notify the Governor that the legislature is ready to adjourn SINE DIE.

MOTION

On motion of Senator Mardesich, the committee appointments were confirmed.

COMMITTEE FROM THE HOUSE

The Sergeant at Arms announced the arrival of a committee from the House of Representatives. The committee comprised of Representatives Newhouse, Charette and O'Brien appeared before the bar of the Senate to notify the Senate that the House was about to adjourn SINE DIE.

The report was received and the committee returned to the House.

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

MESSAGE FROM THE HOUSE

March 13, 1975.

Mr. President: The House has adopted SENATE CONCURRENT RESOLUTION NO. 108, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:

SENATE CONCURRENT RESOLUTION NO. 107,
SENATE CONCURRENT RESOLUTION NO. 108.

MESSAGES FROM THE HOUSE

March 13, 1975.

Mr. President: The Speaker has signed SENATE CONCURRENT RESOLUTION NO. 107, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

March 13, 1975.

Mr. President: The Speaker has signed SENATE CONCURRENT RESOLUTION NO. 108, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

REPORT OF SPECIAL COMMITTEE

The Senate members of the special committee composed of Senators Peterson, Bluechel and McDermott appointed to notify the House that the Senate was ready to adjourn SINE DIE reported that the House had been notified.

The report was received and the committee was discharged.

REPORT OF SPECIAL COMMITTEE

The Senate members of the special committee composed of Senators Donohue, Pullen and Day appointed to notify the Governor that the Legislature was about to adjourn SINE DIE, appeared before the bar of the Senate and reported that the committee had so notified the Governor and that the Governor was willing that the Regular Session of the Forty-fourth Legislature adjourn SINE DIE.

The report was received and the committee was discharged.

MOTIONS

On motion of Senator Mardesich, the Senate Journal of the Sixtieth Day of the Regular Session of the Forty-fourth Legislature was approved.

At 3:20 p.m., on motion of Senator Mardesich, the Senate of the Forty-fourth Legislature, Regular Session, adjourned SINE DIE.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

SENATE JOURNAL
First Extraordinary Session
Forty-Fourth Legislature
OF THE
STATE OF WASHINGTON
AT
Olympia, the State Capital

Convened March 14, 1975
Adjourned Sine Die June 9, 1975

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*
AL HENRY, *President Pro Tempore*
JAMES E. KEEFFE, *Vice President Pro Tempore*

SENATE CAUCUS OFFICERS

DEMOCRATIC CAUCUS

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AUGUST P. MARDESICH, *Floor Leader*
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GORDON L. WALGREN, *Majority Whip*
REUBEN A. KNOBLAUCH, *Secretary*

REPUBLICAN CAUCUS

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GEORGE W. SCOTT, *Second Assistant Floor Leader*
R. H. (BOB) LEWIS, *Minority Whip*

BILL GLEASON, *Assistant Secretary*
CHARLES L. R. JOHNSON, *Sergeant at Arms*
FLORENCE T. KENDERESI, *Secretary to the Secretary*
VERNE SAWYER, *Reader*

STATE OF WASHINGTON
FIRST EXTRAORDINARY SESSION
OF THE
FORTY-FOURTH LEGISLATURE

FIRST DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, March 14, 1975.

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.

The Color Guard, consisting of Pages Gail Tompkins and Scott Thomason, presented the Colors. Reverend George M. Mitchell, pastor of the First Christian Church of Olympia, offered the following prayer:

"O GOD OUR FATHER, WE COME TO YOU JUST NOW FREELY CONFESSING OUR NEED OF YOUR WISDOM AND UNDERSTANDING. HELP US TO TURN OUR EYES TO THE FUTURE NEEDS AND PROBLEMS OF THE PEOPLE OF THIS STATE AND TO TRULY MAKE A NEW BEGINNING.

"MAY WE NOT BE CONTENT WITH WAITING TO SEE WHAT WILL HAPPEN, BUT GIVE US THE DETERMINATION AND COURAGE TO MAKE THE RIGHT THINGS HAPPEN. HELP THESE SENATORS TO PROCEED WITH THE TASKS WHICH CONFRONT THEM IN THE PRESENT, DOING THE BEST JOB THEY CAN, AND LEAVING THE REST TO YOU IN FAITH AND TRUST. AMEN."

The President declared the Senate to be at ease at 9:05 a.m.

The members attended the Pole Dedication Ceremony between the Temple of Justice and the Legislative Building.

The President called the Senate to order at 9:35 a.m.

MESSAGE FROM THE SECRETARY OF STATE

Office of the Secretary, January 14, 1975.

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

MR. PRESIDENT:

I, Bruce K. Chapman, Secretary of State of the state of Washington and custodian of the official seal of the State, do hereby certify that I have compared the attached copy of the proclamation of the Governor calling an extraordinary session of the Legislature of the state of Washington to convene on the 14th day of March, 1975, with the original of said proclamation now on file in this office and find the same to be a full, true and correct copy of said original, and the whole thereof, together with all official endorsements thereon.

IN TESTIMONY WHEREOF, I have set my hand and affixed the seal of the state of Washington. Done at the Capitol at Olympia on the 13th day of March, 1975.

BRUCE K. CHAPMAN
Secretary of State.

Seal of the State of Washington

PROCLAMATION BY THE GOVERNOR

In accordance with the constitutional limitation in Article II, section 12 on the duration of legislative sessions, the 44th session of the Washington State Legislature will be adjourned on March 13, 1975, the sixtieth day of the session. It has become more apparent than ever that the 60-day limit to regular sessions of the legislature does not allow sufficient consideration of the problems our state faces today, and the legislature can no longer look on adjournment after 60 days as a realistic goal.

Final action on the major issues involving essential needs of our citizens is not forthcoming before the end of the regular session, and in recognition thereof I intend to call the legislature to convene in extraordinary session immediately following adjournment of the regular session. I trust the legislature, once convened, will take needed action on critical legislation in the areas of constitutional reform, transportation, energy, natural resources, human resources, law and justice, education, and governmental improvement.

NOW, THEREFORE, I, Daniel J. Evans, Governor of the State of Washington, by virtue of the authority vested in me by the Constitution, do hereby convene the Legislature of the State of Washington in extraordinary session in the Capitol at Olympia on the 14th day of March, A.D. 1975, at the hour of nine o'clock a.m., for the purposes stated herein.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the State of Washington to be affixed at Olympia, this 12th day of March, A.D. Nineteen Hundred and Seventy-Five.

DANIEL J. EVANS
Governor of Washington.

BY THE GOVERNOR:
BRUCE K. CHAPMAN
Secretary of State

INTRODUCTION AND FIRST READING

SENATE CONCURRENT RESOLUTION NO. 109, by Senators Bailey, Mardesich, Matson and Lewis (Harry):

Reintroduction of measures introduced in the forty-fourth regular session.

MOTIONS

On motion of Senator Mardesich the rules were suspended, Senate Concurrent Resolution No. 109 was advanced to second reading and read the second time in full.

On motion of Senator Mardesich, the rules were suspended, Senate Concurrent Resolution No. 109 was advanced to third reading, the second reading considered the third, and the resolution was adopted.

MOTION

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

SENATE RESOLUTION 1975-19

By Senators Bailey and Matson:

WHEREAS, The offices of President Pro Tempore of the Senate, Vice President

Pro Tempore, Secretary of the Senate and Sergeant at Arms of the Senate were filled by competent persons during the forty-fourth regular session of the legislature; and

WHEREAS, These officers served in a distinguished and satisfactory manner; and

WHEREAS, The standing committees of the Senate were formed and operated properly and efficiently during the forty-fourth regular session of the legislature;

NOW, THEREFORE, BE IT RESOLVED, That said officers, committee chairmen and committee members of the said regular session shall constitute the officers and committees of the first extraordinary session of the forty-fourth legislature.

MOTION

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

SENATE RESOLUTION 1975-20

By Senators Mardesich and Lewis (Harry):

BE IT RESOLVED, That a committee of three members be named by the President of the Senate to inform the House that the Senate is organized and ready to transact the business of the first extraordinary session of the forty-fourth legislature.

APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators Ridder, North and Sandison as a committee of three to notify the House that the Senate is organized and ready to transact business.

MOTION

On motion of Senator Mardesich, the committee appointment was confirmed.

COMMITTEE FROM THE HOUSE

The Sergeant at Arms announced the arrival of a committee from the House of Representatives. The committee consisting of Representatives Curtis, Haussler and Moreau appeared before the bar of the Senate to notify the Senate that the House of Representatives was organized and ready to transact business.

REPORT FROM SPECIAL COMMITTEE

The special committee consisting of Senators Ridder, North and Sandison appeared before the bar of the Senate to report that the House had been notified that the Senate was organized and ready to transact business.

The report was received and the committee was discharged.

MOTION

On motion of Senator Mardesich, the Senate returned to the fourth order of business.

MESSAGE FROM THE HOUSE

March 14, 1975.

Mr. President: The House has adopted HOUSE CONCURRENT RESOLUTION NO. 21, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

INTRODUCTION AND FIRST READING

HOUSE CONCURRENT RESOLUTION NO. 21, by Representative Charette:
Notifying the Governor that the legislature is organized.

MOTIONS

On motion of Senator Mardesich, the rules were suspended, House Concurrent Resolution No. 21 was advanced to second reading and read the second time in full.

On motion of Senator Mardesich, the rules were suspended, House Concurrent Resolution No. 21 was advanced to third reading, the second reading considered the third, and the resolution was adopted.

APPOINTMENT OF SPECIAL COMMITTEE

The President appointed Senators Van Hollebeke, Murray and Wilson as the three members from the Senate, in accordance with House Concurrent Resolution No. 21, to join with a like committee from the House of Representatives to notify the Governor that the legislature is organized and ready to transact business.

MOTION

On motion of Senator Mardesich, the committee appointments were confirmed.

MOTION

On motion of Senator Mardesich, the Senate returned to the first order of business.

REPORTS OF STANDING COMMITTEES

March 10, 1975.

SENATE BILL NO. 2616, requiring notice and a hearing before exchange of state land (reported by Committee on Natural Resources):

MAJORITY recommendation: That Substitute Senate Bill No. 2616 be substituted therefor and the substitute bill do pass.

Signed by: Senators Peterson, Chairman; Beck, Bluechel, Pullen, Rasmussen, Sandison.

Passed to Committee on Rules for second reading.

March 7, 1975.

SENATE BILL NO. 2660, permitting nature conservancies to acquire open space for public use (reported by Committee on Ecology):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Washington, Chairman; Guess, Murray, North, Sandison.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE HOUSE

March 14, 1975.

Mr. President: The House has adopted SENATE CONCURRENT RESOLUTION NO. 109, and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

March 14, 1975.

Mr. President: The Speaker has signed HOUSE CONCURRENT RESOLUTION NO. 21, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Cler.

REPORT OF SPECIAL COMMITTEE

The special committee appointed under the provisions of House Concurrent Resolution No. 21 notifying the Governor that the legislature was organized and ready to transact business appeared before the bar of the Senate and reported that the Governor had been notified.

The report was received and the committee was discharged.

The President declared the Senate to be at ease at 10:00 a.m.

The President called the Senate to order at 10.08 a.m.

SIGNED BY THE PRESIDENT

The President signed:

HOUSE CONCURRENT RESOLUTION NO. 21,
SENATE CONCURRENT RESOLUTION NO. 109.

MOTION

On motion of Senator Mardesich, the Senate advanced to the seventh order of business.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 2006, by Committee on State Government (originally sponsored by Senators Henry, Beck, Talley, Stortini, Lewis (Harry), Knoblauch, Benitz, Goltz and Wanamaker):

Creating a state department of veterans affairs.

The bill was read the third time and placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2006, and the bill passed the Senate by the following vote: Yeas, 46; nays, 3.

Voting yea: Senators Bailey, Beck, Benitz, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—46.

Voting nay: Senators Bluechel, Murray, Scott—3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2206, having received the constitutional majority, was declared passed. There being no objection the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 2021, by Senators Fleming, Jolly, Talley, Lewis (R. H. "Bob"), Murray, Ridder, Beck and Sellar (by request of Committee on Local Government of the forty-third legislature):

Allowing cities and counties to set building permit fees.

The bill was read the third time and placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2021, and the bill passed the Senate by the following vote: Yeas, 47; nays, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—47.

Voting nay: Senators Newschwander, Scott—2.

SENATE BILL NO. 2021, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 2024, by Senator Walgren:

Changing certain hearing requirements regarding franchises along public highways.

The bill was read the third time and placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2024, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—49.

SENATE BILL NO. 2024, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 2026, by Senators Walgren, Beck, Jones, Talley and Goltz: Exempting inventory of sheltered workshops from property taxation. The bill was read the third time and placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2026, and the bill passed the Senate by the following vote. Yea, 48; nays, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, Walgren, Wanamaker, Washington, Wilson, Woody—48.

Voting nay: Senator von Reichbauer—1.

SENATE BILL NO. 2026, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2036, by Committee on State Government (originally sponsored by Senators Donohue, Odegaard, Wilson, Walgren, Rasmussen, Guess and Woody):

Providing legislative review of agency rules.

The bill was read the third time and placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2036, and the bill passed the Senate by the following vote: Yeas, 44; nays, 5.

Voting yea: Senators Bailey, Beck, Benitz, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Goltz, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—44.

Voting nay: Senators Bluechel, Fleming, Francis, Gould, Murray—5.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2036, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SENATE BILL NO. 2044, by Senators Rasmussen and Odegaard: Regulating the creation and combination of agencies and departments by the executive.

The bill was read the third time and placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2044, and the bill passed the Senate by the following vote: Yeas, 27; nays, 22.

Voting yea: Senators Bailey, Beck, Bottiger, Buffington, Cunningham, Day, Donohue, Francis, Guess, Henry, Herr, Jolly, Keefe, Knoblauch, Mardesich, Marsh, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Woody—27.

Voting nay: Senators Benitz, Bluechel, Clarke, Fleming, Goltz, Gould, Grant, Jones, Lewis (Harry), Lewis (R. H. "Bob"), Matson, McDermott, Morrison, Murray, Newschwander, North, Sandison, Scott, Sellar, Wanamaker, Washington, Wilson—22.

ENGROSSED SENATE BILL NO. 2044, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SENATE BILL NO. 2046, by Senators Walgren, Beck and Talley:
Declaring that fishing derbys are not gambling and removing them from regulation by the gambling commission.

The bill was read the third time and placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2046, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—49.

ENGROSSED SENATE BILL NO. 2046, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SENATE BILL NO. 2070, by Senators Francis, von Reichbauer and Ridder (by Department of Labor and Industries request):

Revising regulations and payments to victims of crimes.

The bill was read the third time and placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2070, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—49.

ENGROSSED SENATE BILL NO. 2070, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SENATE BILL NO. 2072, by Senators Bottiger, Scott and Woody:
Authorizing recording of communications in certain situations.

The bill was read the third time and placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2072, and the bill passed the Senate by the following vote: Yeas, 42; nays, 7.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Francis, Goltz, Gould, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (R. H. "Bob"), Marsh, Matson, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, Wanamaker, Washington, Wilson, Woody—42.

Voting nay: Senators Fleming, Grant, Lewis (Harry), Mardesich, McDermott, von Reichbauer, Walgren—7.

ENGROSSED SENATE BILL NO. 2072, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 2074, by Senators Talley, Van Hollebeke and Sellar:

Authorizing sewer districts to issue revenue warrants and revenue bond anticipation warrants and expanding authority in regard to revenue bonds.

The bill was read the third time and placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2074, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—49.

SENATE BILL NO. 2074, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 2079, by Senators Henry, Murray and Beck (by Department of Motor Vehicles request):

Facilitating the refund of erroneously paid camper and trailer tax.

The bill was read the third time and placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2079, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—49.

SENATE BILL NO. 2079, having received the 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, Senator Day was excused.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2088, by Committee on Natural Resources (originally sponsored by Senators Talley and Peterson):

Requiring license for smelt dealers.

The bill was read the third time and placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2088, and the bill passed the Senate by the following vote: Yeas 47; nays, 1; excused, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Wilson, Woody—47.

Voting nay: Senator Walgren—1.

Excused: Senator Day—1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2088, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SENATE BILL NO. 2090, by Senators Stortini and Murray (by Superintendent of Public Instruction request):

Making miscellaneous changes in education code.

The bill was read the third time and placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2090, and the bill passed the Senate by the following vote: Yeas, 47; nays, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—47.

Voting nay: Senators Pullen, Scott—2.

ENGROSSED SENATE BILL NO. 2090, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SENATE BILL NO. 2096, by Senators Lewis (Harry), Walgren, Donohue and McDermott:

Providing for study of administrative costs of school districts.

The bill was read the third time and placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2096, and the bill passed the Senate by the following vote: Yeas, 42; nays, 7.

Voting yea: Senators Bailey, Beck, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Morrison, Murray, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Stortini, Talley, Van Hollebeke, Walgren, Wanamaker, Washington, Wilson, Woody—42.

Voting nay: Senators Benitz, Bluechel, Gould, Matson, Newschwander, Scott, von Reichbauer—7.

ENGROSSED SENATE BILL NO. 2096, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 2106, by Senator Walgren:

Requiring life-cycle cost analysis for major facilities.

The bill was read the third time and placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2106, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—49.

SENATE BILL NO. 2106, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 2110, by Committee on Transportation and Utilities (originally sponsored by Senators Walgren, Washington and Wanamaker):

Enacting the model traffic ordinance.

The bill was read the third time and placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2110, and the bill passed the Senate by the following vote: Yeas, 48; nays, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—48.

Voting nay: Senator Francis—1.

SUBSTITUTE SENATE BILL NO. 2110, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2125, by Committee on Natural Resources (originally sponsored by Senators Donohue, Peterson and Matson):

Authorizing alteration of streams by riparian owners in cases of emergency.

The bill was read the third time and placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2125, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—49.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2125, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 2127, by Senators Jolly and Benitz:

Expanding the definition of "construction project" for PUD purposes.

The bill was read the third time and placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2127, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich,

Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—49.

SENATE BILL NO. 2127, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 2137, by Senators Matson, Jolly and Donohue:

Making certain changes in the laws relating to vehicle tonnage fees.

The bill was read the third time and placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2137, and the bill passed the Senate by the following vote: Yeas, 48; nays, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—48.

Voting nay: Senator McDermott—1.

SUBSTITUTE SENATE BILL NO. 2137, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2150, by Committee on Agriculture (originally sponsored by Senators Jolly, Sellar, Day, Wilson and Benitz):

Changing certain laws relating to agriculture.

The bill was read the third time and placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2150, and the bill passed the Senate by the following vote: Yeas, 48; nays, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—48.

Voting nay: Senator Matson—1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2150, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2159, by Committee on Transportation and Utilities (originally sponsored by Senators Walgren, Wanamaker and Bottiger):

Pertaining to motor vehicle fuel taxes.

The bill was read the third time and placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2159, and the bill passed the Senate by the following vote: Yeas, 27; nays, 22.

Voting yea: Senators Bailey, Beck, Benitz, Bottiger, Clarke, Donohue, Fleming, Francis, Goltz, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Odegaard, Sellar, Stortini, Walgren, Wanamaker—27.

Voting nay: Senators Bluechel, Buffington, Cunningham, Day, Gould, Grant, Keefe, Lewis (R. H. "Bob"), Newschwander, North, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Talley, Van Hollebeke, von Reichbauer, Washington, Wilson, Woody—22.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2159, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SENATE BILL NO. 2171, by Senators Francis and Clarke (by Judicial Council request):

Imposing fine and jail for wilful failure to appear before superior court after release on bail or personal recognizance.

The bill was read the third time and place on the final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2171, and the bill passed the Senate by the following vote: Yeas, 46; nays, 3.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Marsh, Matson, McDermott, Morrison, Murray, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—46.

Voting nay: Senators Day, Mardesich, Newschwander—3.

ENGROSSED SENATE BILL NO. 2171, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SENATE BILL NO. 2172, by Senators Clarke and Francis (by Judicial Council request):

Requiring the clerk of district and municipal courts to collect and remit fees, costs, penalties, fines and forfeitures.

The bill was read the third time and placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2172, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—49.

ENGROSSED SENATE BILL NO. 2172, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 2190, by Senators Washington, Lewis (Harry) and Beck:
Exempting bicentennial medals from sales and use taxes.

The bill was read the third time and placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2190, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich,

Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—49.

SENATE BILL NO. 2190, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SENATE BILL NO. 2191, by Senators Bottiger, Murray and Fleming:

Authorizing retired and disabled persons to defer special assessments upon their residence.

The bill was read the third time and placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2191, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—49.

ENGROSSED SENATE BILL NO. 2191, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SENATE BILL NO. 2192, by Senators Stortini, Ridder and Wanamaker:

Increasing the membership of the teachers' retirement system board.

The bill was read the third time and placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2192, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—49.

ENGROSSED SENATE BILL NO. 2192, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SENATE BILL NO. 2203, by Senators Peterson, Rasmussen and Lewis (Harry):

Requiring revocation of hunting license on conviction for certain violations against the game code.

The bill was read the third time and placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2203, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Pe-

tersen, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—49.

ENGROSSED SENATE BILL NO. 2203, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 2206, by Senators Day, von Reichbauer, McDermott and Guess:

Requiring the superintendent of Interlake school to be a physician.

The bill was read the third time and placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2206, and the bill passed the Senate by the following vote: Yeas, 44; nays, 5.

Voting yea: Senators Bailey, Beck, Benitz, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Murray, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—44.

Voting nay: Senators Bluechel, Morrison, Newschwander, Van Hollebeke, Woody—5.

SENATE BILL NO. 2206, having received the 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, Senator Keefe was excused.

ENGROSSED SENATE BILL NO. 2210, by Senators Stortini, Murray and Ridder (by Superintendent of Public Instruction request):

Authorizing fees for optional noncredit extracurricular events of school districts and providing for their disposition.

The bill was read the third time and placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2210, and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, Walgren, Wanamaker, Washington, Wilson, Woody—47.

Voting nay: Senator von Reichbauer—1.

Excused: Senator Keefe—1.

ENGROSSED SENATE BILL NO. 2210, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SENATE BILL NO. 2215, by Senator Bottiger:

Changing mileage rate for members of county road administration boards and urban arterial boards.

The bill was read the third time and placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2215, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—49.

ENGROSSED SENATE BILL NO. 2215, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SENATE BILL NO. 2227, by Senators Guess and Donohue:

Authorizing acquisition of surplus Expo facilities for Walla Walla community college.

The bill was read the third time and placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2227, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—49.

ENGROSSED SENATE BILL NO. 2227, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SENATE BILL NO. 2242, by Senators Henry and Marsh:

Changing membership of Columbia River Gorge Commission, defining its duties, and describing area of the commission's jurisdiction.

The bill was read the third time and placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2242, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—49.

ENGROSSED SENATE BILL NO. 2242, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SUBSTITUTE SENATE BILL NO. 2249, by Committee on Financial Institutions (originally sponsored by Senators Woody, Clarke and Walgren (by State Treasurer request):

Providing for the qualification and regulation of public depositories.

The bill was read the third time and placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2249, and the bill passed the Senate by the following vote: Yeas, 48; absent or not voting, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke,

Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—48.

Absent or not voting: Senator Lewis (R. H. "Bob")—1.

SUBSTITUTE SENATE BILL NO. 2249, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SENATE BILL NO. 2268, by Senators Rasmussen, Scott and Bailey (by State Treasurer request):

Directing the investment of current state funds.

The bill was read the third time and placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2268, and the bill passed the Senate by the following vote: Yeas, 46; nays, 3.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren Wanamaker, Wilson, Woody—46.

Voting nay: Senators Grant, Matson, Washington—3.

ENGROSSED SENATE BILL NO. 2268, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SENATE BILL NO. 2271, by Senators Donohue, Newschwander, Sandison and Matson (by Superintendent of Public Instruction request):

Authorizing increased state matching funds for school construction.

The bill was read the third time and placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2271, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—49.

ENGROSSED SENATE BILL NO. 2271, having received the 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, Senator Lewis (Harry) was excused.

SENATE BILL NO. 2285, by Senators Lewis (R. H. "Bob"), Guess, Murray and Sellar:

Deleting general election days as state legal holiday.

The bill was read the third time and placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2285, and the bill passed the Senate by the following vote: Yeas, 42; nays, 6; excused, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Rasmussen, Ridder, Scott, Sellar, Stortini, Van Hollebeke, Walgren, Wanamaker, Washington, Wilson, Woody—42.

Voting nay: Senators Bottiger, McDermott, Pullen, Sandison, Talley, von Reichbauer—6.

Excused: Senator Lewis (Harry)—1.

SENATE BILL NO. 2285, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SENATE BILL NO. 2300, by Senators Sandison and Rasmussen: Permitting president of the Washington State Historical Society to have representative in his name on the Washington state board on geographic names. The bill was read the third time and placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2300, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—49.

ENGROSSED SENATE BILL NO. 2300, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SENATE BILL NO. 2329, by Senators Bottiger, Gould, Van Hollebeke and Morrison:

Exempting PTA carnivals and certain Reno nights from gambling laws.

The bill was read the third time and placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2329, and the bill passed the Senate by the following vote: Yeas, 38; nays, 11.

Voting yea: Senators Bailey, Beck, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Matson, Morrison, Murray, Newschwander, Odegaard, Peterson, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Woody—38.

Voting nay: Senators Benitz, Bluechel, Cunningham, Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, North, Pullen, Rasmussen, Wilson—11.

ENGROSSED SENATE BILL NO. 2329, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SENATE BILL NO. 2343, by Senators Beck, Walgren and Stortini:

Requiring accident reports for bicyclists.

The bill was read the third time and placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2343, and the bill passed the Senate by the following vote: Yeas, 30; nays, 19.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Clarke, Donohue, Fleming, Goltz, Gould, Henry, Herr, Jolly, Keefe, Knoblauch, Mardesich, Marsh, McDermott, Morrison, Murray, North, Rasmussen, Ridder, Sandison, Sellar, Stortini, Talley, Walgren, Wanamaker, Washington—30.

Voting nay: Senators Buffington, Cunningham, Day, Francis, Grant, Guess, Jones, Lewis (Harry), Lewis (R. H. "Bob"), Matson, Newschwander, Odegaard, Peterson, Pullen, Scott, Van Hollebeke, von Reichbauer, Wilson, Woody—19.

ENGROSSED SENATE BILL NO. 2343, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SENATE BILL NO. 2381, by Senators Beck, Guess and Stortini: Providing for annual review for cancellation of voters but allowing vote in last presidential election to be deemed vote within preceding thirty months.

The bill was read the third time and placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2381, and the bill passed the Senate by the following vote: Yeas, 31; nays, 18.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Donohue, Gould, Guess, Henry, Herr, Jolly, Keefe, Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Sandison, Sellar, Stortini, von Reichbauer, Walgren, Washington—31.

Voting nay: Senators Bottiger, Fleming, Francis, Goltz, Grant, Jones, Knoblauch, Lewis (Harry), McDermott, Murray, Rasmussen, Ridder, Scott, Talley, Van Hollebeke, Wanamaker, Wilson, Woody—18.

ENGROSSED SENATE BILL NO. 2381, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SENATE BILL NO. 2384, by Senators Guess, Keefe, Lewis (R. H. "Bob"), Walgren and Fleming:

Permitting investment of excess city fund in LID interim financing warrants.

The bill was read the third time and placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2384, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—49.

ENGROSSED SENATE BILL NO. 2384, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SENATE BILL NO. 2385, by Senators Rasmussen, Sandison and Peterson:

Making certain changes in the laws relating to the Yaocolt burn.

The bill was read the third time and placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2385, and the bill passed the Senate by the following vote: Yeas, 48; nays, 1.

Voting yea: Senators Bailey, Beck, Bluechel, Bottiger, Buffington, Clarke, Cun-

ningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—48.

Voting yea: Senator Benitz—1.

ENGROSSED SENATE BILL NO. 2385, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SENATE BILL NO. 2402, by Senators Bailey, Lewis (Harry) and Marsh:

Permitting port district commissions to delegate authority to managing official.

The bill was read the third time and placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2402, and the bill passed the Senate by the following vote: Yeas, 47; nays, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—47.

Voting nay: Senators Grant, Woody—2.

ENGROSSED SENATE BILL NO. 2402, having received the 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, Senator Guess was excused.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2423, by Committee on State Government (originally sponsored by Senator Rasmussen):

Prescribing changes in requirements for manufacture, sale, dispensing and possession of alcoholic beverages.

The bill was read the third time and placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2423, and the bill passed the Senate by the following vote: Yeas, 42; nays, 6; excused, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Henry, Herr, Jolly, Keefe, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Scott, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—42.

Voting nay: Senators Jones, Lewis (Harry), Matson, McDermott, Pullen, Sellar—6.

Excused: Senator Guess—1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2423, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SENATE BILL NO. 2434, by Senator Rasmussen:

Permitting the state finance committee to invest in paper secured by the sale or lease of equipment of a corporation located in the state.

The bill was read the third time and placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2434, and the bill passed the Senate by the following vote: Yeas, 45; nays, 4.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, von Reichbauer, Walgren, Wanamaker, Woody—45.

Voting nay: Senators McDermott, Van Hollebeke, Washington, Wilson—4.

ENGROSSED SENATE BILL NO. 2434, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SENATE BILL NO. 2452, by Senators Henry and Wanamaker:

Authorizing monthly license fees for operation of dump trucks.

The bill was read the third time and placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2452, and the bill passed the Senate by the following vote: Yeas, 37; nays, 12.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Donohue, Gould, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Marsh, Matson, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Sandison, Sellar, Stortini, Talley, von Reichbauer, Walgren, Wanamaker, Woody—37.

Voting nay: Senators Bottiger, Fleming, Francis, Goltz, Grant, Mardesich, McDermott, Ridder, Scott, Van Hollebeke, Washington, Wilson—12.

SENATE BILL NO. 2452, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

ENGROSSED SENATE JOINT MEMORIAL NO. 104, by Senator Rasmussen:
Petitioning Congress to control entry of illegal aliens.

The memorial was read the third time and placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Joint Memorial No. 104, and the memorial passed the Senate by the following vote: Yeas, 48; nays, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—48.

Voting nay: Senator Matson—1.

ENGROSSED SENATE JOINT MEMORIAL NO. 104, having received the constitutional majority, was declared passed.

ENGROSSED SENATE JOINT MEMORIAL NO. 106, by Senators Guess, Henry, Wanamaker, Washington, Bottiger and Walgren:

Requesting federal executive and legislative action to exempt asphalt from excise or import tax.

The memorial was read the third time and placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Joint Memorial No. 106, and the memorial passed the Senate by the following vote Yeas, 48; nays, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—48.

Voting nay: Senator Matson—1.

ENGROSSED SENATE JOINT MEMORIAL NO. 106, having received the constitutional majority, was declared passed.

SENATE JOINT MEMORIAL NO. 108, by Senators Peterson and Lewis (Harry): Memorializing the President and Congress to expand reforestation work on national forest lands.

The memorial was read the third time and placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 108, and the memorial passed the Senate by the following vote: Yeas, 48; nays, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—48.

Voting nay: Senator Matson—1.

SENATE JOINT MEMORIAL NO. 108, having received the constitutional majority, was declared passed.

SENATE JOINT RESOLUTION NO. 110, by Senators Sandison, Keefe, Lewis (Harry), Marsh, Guess, Mardesich, Matson, Day, Bottiger, Sellar, Fleming, Stortini, Woody, Murray, Van Hollebeke, Benitz, McDermott, Goltz, Grant, Beck, von Reichbauer, Buffington and Talley (by Council on Higher Education request):

Proposing constitutional amendment permitting aid to students attending both public and private post-secondary institutions of higher education.

The resolution was read the third time and placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Resolution No. 110, and the resolution passed the Senate by the following vote: Yeas, 40; nays, 7; absent or not voting, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Goltz, Grant, Henry, Herr, Jolly, Keefe, Knoblauch, Lewis (Harry), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Ridder, Sandison, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Washington, Wilson, Woody—40.

Voting nay: Senators Francis, Gould, Jones, Rasmussen, Scott, Walgren, Wanamaker—7.

Absent or not voting: Senators Guess, Lewis (R. H. "Bob")—2.

SENATE JOINT RESOLUTION NO. 110, having received the constitutional two-thirds majority, was declared passed.

SENATE CONCURRENT RESOLUTION NO. 101, by Senators Mardesich, Clarke, Goltz, Sandison, Jones and Bluechel:

Requesting establishment of the joint committee on Washington/British Columbia Governmental Cooperation.

The resolution was read the third time and placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Concurrent Resolution No. 101, and the resolution passed the Senate by the following vote: Yeas, 48; nays, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—48.

Voting nay: Senator Newschwander—1.

SENATE CONCURRENT RESOLUTION NO. 101, having received the constitutional majority, was declared passed.

MOTION

At 10:18 a.m., on motion of Senator Mardesich, the Senate was declared to be at ease.

NOON SESSION

President Pro Tempore Henry called the Senate to order at 12:00 noon.

MOTION

At 12:03 p.m., on motion of Senator Bottiger, the Senate adjourned until 12:00 noon, Monday, March 17, 1975.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

FOURTH DAY**NOON SESSION**

Senate Chamber, Olympia, Monday, March 17, 1975.

The Senate was called to order at 12:00 noon by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Herr, Jones, Keefe, Scott, Sellar and Talley.

On motion of Senator Knoblauch, Senators Herr, Keefe and Talley were excused. On motion of Senator Lewis (R. H. "Bob"), Senators Jones, Scott and Sellar were excused.

APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence in the Senate Chamber of The Most Reverend Thomas A. Connolly, Archbishop of Seattle, and appointed Senators Donohue, Fleming, Bailey, Buffington, Cunningham and Gould to escort His Excellency to the Senate rostrum. Also accompanying the honored guest was Reverend Monsignor John P. Doogan, Chancellor of the Archdiocese of Seattle and Reverend Matthew Naumes, President of St. Martin's College of Olympia, who were also escorted to the rostrum.

The Color Guard, consisting of Pages Craig Suhrbrier and Debra Alben presented the Colors.

REMARKS BY THE PRESIDENT

The President: "Honored and esteemed members of the Senate, ladies and gentlemen, it is with great pride that the President presents The Most Reverend Thomas A. Connolly, Archbishop of the Catholic Diocese of Seattle. Your Excellency."

The following prayer was offered by The Most Reverend Thomas A. Connolly, D.D., J.C.D., Archbishop of Seattle:

"ALMIGHTY GOD, THE CREATOR AND SOURCE OF LIFE AND STRENGTH WHO HAS WILLED THAT WE SHOULD BE DEPENDENT FOR THESE GIFTS NOT ONLY UPON THEE BUT ALSO UPON ONE ANOTHER AND HAS LAID UPON US ALL IN A MEASURE THE DUTY OF SERVING OUR NEIGHBOR, BLESS US ALL HERE PRESENT AND GRANT US THY DIVINE ASSISTANCE AND AN ABUNDANCE OF THY GRACE TO ENABLE US TO BE CONSTANT AND GENEROUS IN THE FULFILLMENT OF OUR TASKS. IN A WORLD STRIFE TORN, CONFUSED AND SORELY TRIED, GIVE UNTO US UNOCCLUDED VISION AND FORTIFYING HOPE. HAVE COMPASSION ON OUR WEAKNESS AND AUGMENT OUR STRENGTH. FOSTER IN US, ALL KNOWING GOD, THE VIRTUES OF HUMILITY AND ZEAL, OF THOUGHTFULNESS AND COURAGE, OF UNSELFISHNESS AND LOVE. HEAR US, O LORD, AND SEND FORTH THY LIGHT AND THY TRUTH. SEND THEM FORTH ESPECIALLY INTO THE MINDS AND HEARTS OF THOSE WHO LABOR IN THE CAUSE OF CIVIC UNITY AND CIVIC RIGHTS, WHO RULE AND LEGISLATE AND JUDGE AND TEACH, THAT THROUGH THEIR FAITHFUL MINISTRATIONS WE MAY BE MADE TO THYSELF A PEOPLE ACCEPTABLE, A PURSUER OF GOOD WORKS. MAY WE ALWAYS BE THE CHAMPIONS OF SOCIAL AND POLITICAL FREEDOM AND AS ALL ITS POLICIES AND PROGRAMS, MAY WE REVERENCE AND PROMOTE THE DIGNITY OF MAN CREATED IN YOUR IMAGE AND LIKENESS, ENDOWED WITH REASON AND AN IMMORTAL SOUL, POSSESSED OF RIGHTS BEYOND THE REACH OF TYRANNY AND FORCE. BLESS US, WE PRAY THEE, WITH THE INTELLIGENCE AND COURAGE WE NEED SO THAT ALL OF US MAY PUT ASIDE ANY SELFISH INTEREST AND WORK DILIGENTLY TO

ACHIEVE THE CHERISHED GOAL, AN AMERICA IN WHICH ALL PEOPLE, REGARDLESS OF RACE, COLOR, CREED OR NATIONAL ORIGIN, MAY HAVE THE OPPORTUNITY TO LIVE IN PEACE AND HAPPINESS. GIVE US, WE PRAY THEE, AN EXACT UNDERSTANDING OF SOCIAL AND CIVIC UNITY AND HUMAN SOLIDARITY. LET US NOT FORGET THAT ALL MEN ARE ONE IN THEIR CREATION, IN THEIR REDEMPTION, AND IN THEIR SUBLIME DESTINY. INSPIRE IN US, O HOLY SPIRIT, AND IN ALL THE CITIZENS OF OUR DEARLY BELOVED LAND A LIFE OF PRACTICAL LOYALTY TO THE TRADITIONAL IDEAL; IN ESSENTIAL THINGS, UNITY; IN NONESSENTIAL THINGS, LIBERTY; IN ALL THINGS CHARITY. MAKE US AND KEEP US ALL HUMAN INSTRUMENTS OF THY WILL AND THY PEACE. AND MAY THE HIGH PURPOSE OF OUR ENDEAVORS SERVE TO DRAW US EVER CLOSER TO THEE, OUR FIRST BEGINNING AND OUR LAST END. THROUGH CHRIST, OUR LORD. AMEN."

REMARKS BY THE PRESIDENT

The President: "Thank you very much, Your Excellency, for your most inspiring prayer."

MOTIONS

On motion of Senator Bailey, the rules were suspended and all members were permitted as additional sponsors to Senate Resolution 1975-21.

Senator Bailey moved adoption of the following resolution:

SENATE RESOLUTION 1975-21

By Senators Keefe, Donohue, Bailey, Cunningham, Beck, Benitz, Bluechel, Bottinger, Buffington, Clarke, Day, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson and Woody.

WHEREAS, Archbishop Thomas A. Connolly epitomizes those religious leaders, who, from the earliest pioneer days, have identified themselves with the exploration, settlement and development in the territory we now proudly call the state of Washington; and

WHEREAS, Archbishop Connolly has not only provided the strength and faith of his own particular religious persuasion, but has also actively promoted issues and causes espousing responsible citizenship, good government and enlightened legislation; and

WHEREAS, For the past 27 years, Archbishop Connolly has served as the religious leader in Western Washington for the Catholic community now consisting of nearly 350,000 members; and

WHEREAS, The dynamic leadership which Archbishop Connolly displayed in the building and the betterment of the Archdiocese of Seattle, ran parallel to the courageous role which he assumed in the on-going struggle against poverty, racism and bigotry; and

WHEREAS, Without regard to the source, Archbishop Connolly constantly responded to urgent appeals and vigorously promoted issues involving moral principles and met each challenge with a vision and determination that has resulted in a precious heritage of educational, social and religious institutions for all of the citizenry in Western Washington;

NOW, THEREFORE BE IT RESOLVED, That the members of the Senate do hereby indicate their respect for the nearly 49 years which Archbishop Connolly has spent as a Catholic priest, acknowledge his many accomplishments as a bishop for 36 years and are grateful for the 27 years of his forceful, provocative and inspirational leadership in Western Washington;

BE IT FURTHER RESOLVED, That the members of the Senate do hereby extend to His Excellency, Archbishop Thomas A. Connolly, congratulations on this occasion of

his well-earned retirement and wish him the happiness in the future which he so richly deserves.

BE IT FURTHER RESOLVED, That copies of this resolution shall be sent to Archbishop Connolly and to the Archdiocese of Seattle.

REMARKS BY SENATOR KNOBLAUCH

Senator Knoblauch: "Mr. President and members of the Senate, our distinguished Guests, Archbishop Connolly. Pastors and ladies and gentlemen, I had not planned any speech this morning but for me today is a very special day because we have with us the man whom we Catholics call the shepherd of the Diocese of Seattle. I remember when Archbishop Connolly came to the diocese twenty-seven years ago from the city he loved, San Francisco, and I remember him saying how hard it was to leave San Francisco and how wonderful it was to come to the great Pacific Northwest. Archbishop Connolly, you have been a priest now for almost forty-nine years in the service of our God and our Church. The people of Western Washington will always remember the many good deeds that you have done for our diocese and our people. You have never been afraid to take a stand in things that you thought were right. You fought for the people of the state who were members of organized labor. You opposed the right to work law. You stood for everything good as far as the people of Washington State are concerned. And now you are going to retire. Well, Archbishop, I am looking forward to it too, but just a couple of more years. And I only hope that you can find that favorite fishing spot that they talked about out on Puget Sound and that you will be with us for a long time to come. I am a member of St. Andrew's parish in Sumner and I have followed your career as the Archbishop of Seattle. We go from an Irishman, Archbishop Connolly, to Hunthausen, and I have the name Knoblauch. So I assume that someday we are going to have Archbishop Hunthausen on the rostrum saying the prayer. I simply wanted to say that all of us in the State Senate want to wish you everything well and to thank you for a job well done. It hate to see you go, Archbishop Connolly, but you have earned the right for a good rest. God bless you with many more years of success and happiness."

The motion by Senator Bailey carried and the resolution was adopted.

REMARKS BY THE PRESIDENT

The President: "Your Excellency, Archbishop Connelly."

REMARKS BY ARCHBISHOP CONNOLLY

Archbishop Connolly: "Mr. President, members of the State Senate, I wish to thank each and every one of you for this beautiful scroll and for the sentiments expressed therein. And I wish to thank you in addition for the splendid spirit of cooperation and helpfulness that you have always afforded me in our relationships, a relationship that was entirely devoid of anything in the way of bigotry or bias or prejudice, a relationship founded on the true principles of Americanism. And I am very grateful to you for the happy relationship that we have enjoyed over my twenty-seven years up here in God's country. I remember when I was promoted to Seattle some twenty-seven years ago, a lot of my clerical friends in San Francisco envied me in coming to Puget Sound where they said that they had heard that you have to knock the salmon over the head with an oar to keep them from jumping into the boat. Well, I mooched up and down Puget Sound for six months before I even saw a salmon and I was beginning to think that this was just chamber of commerce propaganda. But then over at Possession Point on my forty-eighth birthday in October of 1948 I caught five salmon, which at that time was the limit, and from then on I forgot all about San Francisco.

"I was very fortunate in coming to the Diocese of Seattle in those days to find a group of priests who were outstanding in their loyalty and their zeal. A group of people who were generous hearted and self-sacrificing. And they marched along with me over these twenty-seven years to promote the interests of the church and to engage in a building program that resulted in the construction of some three hundred parish facilities in the way of schools and churches and rectories and convents and auditoriums and gymnasiums, with the result that in coming in to Seattle on May 22, my illustrious suc-

cessor, Bishop Hunthausen of Helena, will not find a great deal to do along these lines. So I am very happy to state that I enjoyed my twenty-seven years up here in the great northwest and I look forward to a retirement that will be restful and I hope fruitful. Thank you and God be with you."

REMARKS BY SENATOR FLEMING

Senator Fleming: "Mr. President and members of the Senate, Archbishop Connolly, I think that in view of what has been said here today I would be remiss if I did not add just a couple words to it. Recognizing the fact that the cathedral is in the thirty-seventh district, and recognizing many of the most worthy causes which you have stood for in the past, stood when it appeared that the room was so empty but all too many times when the room feels empty there is a lot more in that room. The room is much more full with hearts and beliefs than we might understand at that particular time. It feels awful lonely. And I think that all the people of the state of Washington and of the United States will miss you but I think most of all, the district that has such a cross section as the district which I represent, I think those people and the issues that they have fought for in the past in which you have stood out front will miss you most of all. Thank you, thank you, thank you."

REMARKS BY THE PRESIDENT

The President: "Thank you, Senator Knoblauch and thank you, Senator Fleming, and Your Excellency, the members of the Senate, the ladies and gentlemen present in the galleries today are indeed fortunate to have you here and we are very grateful that you came to spend some time with us. The President should like to present the Archbishop's right hand man at the Chancellery, Monsignor Doogan, and our friendly neighbor to the north, Father Matthew. The Archbishop is going to spend some time with us on the rostrum in order that he might keep his eye on a couple of you. If you do not mind, we will resume business at this time."

MOTIONS

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

On motion of Senator Mardesich, the Senate returned to the fourth order of business.

MESSAGES FROM THE HOUSE

March 14, 1975.

Mr. President: The House passed:
 HOUSE BILL NO. 2,
 ENGROSSED HOUSE BILL NO. 9,
 ENGROSSED HOUSE BILL NO. 13,
 ENGROSSED HOUSE BILL NO. 15,
 ENGROSSED HOUSE BILL NO. 16,
 ENGROSSED HOUSE BILL NO. 23,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 29,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 32,
 SUBSTITUTE HOUSE BILL NO. 37,
 HOUSE BILL NO. 38,
 SUBSTITUTE HOUSE BILL NO. 62,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 71,
 HOUSE BILL NO. 72,
 ENGROSSED HOUSE BILL NO. 76,
 SUBSTITUTE HOUSE BILL NO. 77,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 86,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 87,
HOUSE BILL NO. 89,
ENGROSSED HOUSE BILL NO. 92,
ENGROSSED HOUSE BILL NO. 95,
ENGROSSED HOUSE BILL NO. 102,
HOUSE BILL NO. 104,
ENGROSSED HOUSE BILL NO. 105,
HOUSE BILL NO. 112,
HOUSE BILL NO. 114,
SUBSTITUTE HOUSE BILL NO. 126,
HOUSE BILL NO. 130,
ENGROSSED HOUSE BILL NO. 131,
HOUSE BILL NO. 133,
ENGROSSED HOUSE BILL NO. 140,
ENGROSSED HOUSE BILL NO. 141,
ENGROSSED HOUSE BILL NO. 144,
ENGROSSED HOUSE BILL NO. 155,
ENGROSSED HOUSE BILL NO. 156,
ENGROSSED HOUSE BILL NO. 158,
HOUSE BILL NO. 162,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 164,
HOUSE BILL NO. 170,
ENGROSSED HOUSE BILL NO. 172,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 184,
ENGROSSED HOUSE BILL NO. 187,
HOUSE BILL NO. 189,
HOUSE BILL NO. 190,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 198,
SUBSTITUTE HOUSE BILL NO. 204,
ENGROSSED HOUSE BILL NO. 205, and the same are herewith transmitted.

DONALD R. WILSON
Assistant Chief Clerk.

March 14, 1975.

Mr. President: The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 207,
REENGROSSED SUBSTITUTE HOUSE BILL NO. 217,
ENGROSSED HOUSE BILL NO. 218,
HOUSE BILL NO. 230,
ENGROSSED HOUSE BILL NO. 245,
SUBSTITUTE HOUSE BILL NO. 249,
ENGROSSED HOUSE BILL NO. 251,
ENGROSSED HOUSE BILL NO. 261,
HOUSE BILL NO. 264,
HOUSE BILL NO. 266,
HOUSE BILL NO. 267,
ENGROSSED HOUSE BILL NO. 271,
ENGROSSED HOUSE BILL NO. 278,
ENGROSSED HOUSE BILL NO. 281,
ENGROSSED HOUSE BILL NO. 285,
ENGROSSED HOUSE BILL NO. 295,
ENGROSSED HOUSE BILL NO. 304,
ENGROSSED HOUSE BILL NO. 305,
HOUSE BILL NO. 307,
ENGROSSED HOUSE BILL NO. 310,
ENGROSSED HOUSE BILL NO. 311,
HOUSE BILL NO. 314,

ENGROSSED HOUSE BILL NO. 330,
 ENGROSSED HOUSE BILL NO. 331,
 SUBSTITUTE HOUSE BILL NO. 345,
 HOUSE BILL NO. 349,
 ENGROSSED HOUSE BILL NO. 350,
 ENGROSSED HOUSE BILL NO. 354,
 SUBSTITUTE HOUSE BILL NO. 360,
 ENGROSSED HOUSE BILL NO. 377,
 ENGROSSED HOUSE BILL NO. 385,
 ENGROSSED HOUSE BILL NO. 422,
 HOUSE BILL NO. 468,
 ENGROSSED HOUSE BILL NO. 474,
 SUBSTITUTE HOUSE BILL NO. 593, and the same are herewith transmitted.

DONALD R. WILSON
 Assistant Chief Clerk.

INTRODUCTION AND FIRST READING

SENATE BILL NO. 2892, by Senators Fleming, Sellar and Talley:

An Act relating to unclaimed personal property; amending section 2, chapter 289, Laws of 1959 as amended by section 2, chapter 44, Laws of 1973 1st ex. sess. and RCW 63.36.010; amending section 3, chapter 289, Laws of 1959 as amended by section 3, chapter 44, Laws of 1973 1st ex. sess. and RCW 63.36.020; amending section 4, chapter 289, Laws of 1959 and RCW 63.36.030; and amending section 1, chapter 289, Laws of 1959 and RCW 63.28.360.

Referred to Committee on Local Government.

HOUSE BILL NO. 2, by Representative Kilbury:

Decreasing the term length of mortgages or deeds on lease hold estates required for investments by insurance companies.

Referred to Committee on Financial Institutions.

HOUSE BILL NO. 9, by Representative Kilbury:

Increasing sheriff's civil fees.

Referred to Committee on Local Government.

ENGROSSED HOUSE BILL NO. 13, by Representatives Conner, Becker and Moreau:

Allowing the liquor board to issue licenses to charitable or nonprofit organizations which have officers or directors who are residents of a foreign country bordering on this state.

Referred to Committee on State Government.

ENGROSSED HOUSE BILL NO. 15, by Representatives Fischer, Jastad and Matthews:

Extending special immunities to pharmacists.

Referred to Committee on Social and Health Services.

ENGROSSED HOUSE BILL NO. 16, by Representatives May, Warnke, Parker and Clemente:

Revising appeal procedure from orders of the department of labor and industries.

Referred to Committee on Rules.

ENGROSSED HOUSE BILL NO. 23, by Representative Ehlers:

Authorizing school district participation in voluntary nonprofit organizations regulating interschool activities, subject to certain conditions and state board of education rules.

Referred to Committee on Education.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 29, by Committee on State Government (originally sponsored by Representatives Shinpoch, Chatalas, Conner, Fortson and Gaines):

Making the gambling commission independent of the department of motor vehicles.

Referred to Committee on State Government.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 32, by Committee on Labor (originally sponsored by Representatives Parker and Adams):

Conforming state minimum wage laws to federal laws.

Referred to Committee on Rules.

SUBSTITUTE HOUSE BILL NO. 37, by Committee on Constitution and Elections (originally sponsored by Representatives King, Fortson and Parker) (by Committee on Constitution and Elections of the forty-third Legislature):

Setting forth dates special elections may be called.

Referred to Committee on Rules.

HOUSE BILL NO. 38, by Representatives King, Bender, Erickson and Gaines (by Committee on Constitution and Elections of forty-third Legislature):

Implementing law relating to recall of public officials.

Referred to Committee on Rules.

SUBSTITUTE HOUSE BILL NO. 62, by Committee on Local Government (originally sponsored by Representatives Bausch and Hendricks):

Authorizing a service charge for county ambulance service.

Referred to Committee on Local Government.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 71, by Committee on Social and Health Services (originally sponsored by Representatives Adams and Savage) (by Committee on Social and Health Services of the Forty-third Legislature request):

Regulating acupuncture.

Referred to Committee on Social and Health Services.

HOUSE BILL NO. 72, by Representative Sherman:

Removing requirement that chairman and vice chairman of county central committees and state committee of each major political party be of opposite sexes.

Referred to Committee on Constitution and Elections.

ENGROSSED HOUSE BILL NO. 76, by Representatives Fortson, Lyseq, Chandler and Erickson:

Providing a deputy registrar in each public school.

Referred to Committee on Constitution and Elections.

SUBSTITUTE HOUSE BILL NO. 77, by Committee on Constitution and Elections (originally sponsored by Representatives King, Brown and Chandler):

Implementing the law relating to elections generally.

Referred to Committee on Constitution and Elections.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 86, by Committee on Ways and Means—Revenue (originally sponsored by Representative Randall):

Establishing sales tax liability for certain government contractors.

Referred to Committee on Ways and Means.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 87, by Committee on Agriculture (originally sponsored by Representatives Laughlin, Amen, Kilbury, Bauer, Bausch, Haussler, Jastad, Kalich and Zimmerman):

Revising regulations on control of noxious weeds.

Referred to Committee on Rules.

HOUSE BILL NO. 89, by Representative Kilbury:
Regulating salvage of food unfit for use by humans.
Referred to Committee on Agriculture.

ENGROSSED HOUSE BILL NO. 92, by Representatives Wojahn, Jueling, Curtis, Ceccarelli, Erickson and Gilleland (by request of Committee on Commerce of the forty-third Legislature):
Imposing liability for certain taking of merchandise.
Referred to Committee on Rules.

ENGROSSED HOUSE BILL NO. 95, by Representative Kilbury:
Adding a new chapter which revises all statutes relating to eggs and egg production.
Referred to Committee on Rules.

ENGROSSED HOUSE BILL NO. 102, by Representatives Chatalas, Curtis, Shinpoch, Polk, Bagnariol, Flanagan, North and Randall (by Legislative Budget Committee request to implement performance audit recommendations):
Reconstituting purchasing and material control in state government.
Referred to Committee on State Government.

HOUSE BILL NO. 104, by Representatives Shinpoch, Curtis, Bagnariol, Polk, Amen, Flanagan, North and Randall (by Legislative Budget Committee request):
Restricting the power of state agencies to provide cars to employees.
Referred to Committee on Rules.

ENGROSSED HOUSE BILL NO. 105, by Representatives Shinpoch, Curtis, Bagnariol, Polk, Flanagan, and North:
Transferring the state motor pool to the department of general administration.
Referred to Committee on State Government.

HOUSE BILL NO. 112, by Representatives Bauer, Brown, Clemente, Laughlin and McKibbin (by Superintendent of Public Instruction request):
Abolishing the accumulated sick leave fund established in the office of the superintendent of public instruction.
Referred to Committee on Rules.

HOUSE BILL NO. 114, by Representatives Sommers, Eikenberry, Randall, Brown, Zimmerman and North:
Removing mandatory tuberculosis expenditure requirements.
Referred to Committee on Social and Health Services.

SUBSTITUTE HOUSE BILL NO. 126, by Judiciary Committee (originally sponsored by Representatives Hayner, May, Amen, Bond and Paris):
Making it unlawful to display indecent material.
Referred to Judiciary Committee.

HOUSE BILL NO. 130, by Representatives Bagnariol and Shinpoch:
Changing procedure for certifying small claims judgments.
Referred to Judiciary Committee.

ENGROSSED HOUSE BILL NO. 131, by Representatives Bauer, Hendricks, Fortson, Laughlin and McKibbin:
Requiring only that a school district make reasonable effort to maintain minimum term of school required by law in lieu of dissolution of such district.

MOTION

On motion of Senator Mardesich, Engrossed House Bill No. 131 was referred to the Committee on Education.

HOUSE BILL NO. 133, by Representatives Hayner, Haussler and McKibbin:
Increasing dollar amount below which county may dispense with competitive bidding.

Referred to Committee on Local Government.

ENGROSSED HOUSE BILL NO. 140, by Representatives Bagnariol, Becker, Charnley, Cochrane, Fischer, Hayner, Laughlin, Martinis, McCormick and McKibbin:
Abolishing pay toilets and requiring certain places of public accommodation to have free public toilet facilities.

Referred to Committee on Social and Health Services.

ENGROSSED HOUSE BILL NO. 141, by Representatives Haussler, Hansen, Kilbury, Laughlin and Tilly:

Revising laws relating to theft of livestock and adding civil penalty.

Referred to Committee on Rules.

ENGROSSED HOUSE BILL NO. 144, by Representatives Smith (Rick), Knowles and Hendricks (by Department of Motor Vehicles request):

Requiring revocation of driver's license and privileges upon conviction for failure to render aid.

Referred to Judiciary Committee.

ENGROSSED HOUSE BILL NO. 155, by Representatives Seeberger, Smith (Rick), Knowles and Eikenberry:

Defining duties of the prosecuting attorney authorizing the employment of special deputy prosecutors under certain circumstances.

Referred to Judiciary Committee.

ENGROSSED HOUSE BILL NO. 156, by Representatives Laughlin, Zimmerman, Bauer, Martinis, Thompson, McKibbin, O'Brien, Newhouse, Kilbury, Luders, Hansen and Boldt:

Authorizing a compact among Washington, Oregon and Idaho relating to fish in the waters of the Columbia and Snake rivers.

Referred to Committee on Natural Resources.

ENGROSSED HOUSE BILL NO. 158, by Representatives Curtis, Charette, Schumaker, Kilbury, Tilly, Paris, Haussler, Savage, Conner, Hayner, Amen, Patterson, Thompson and Bauer:

Authorizing second and third class school districts to provide housing for superintendents thereof and validating prior commitments therefor.

Referred to Committee on Rules.

HOUSE BILL NO. 162, by Representatives Seeberger, Hansen, Warnke, McKibbin, Gaines, and Schumaker:

Removing the requirement that certain justices of the peace and district court judges be attorneys.

Referred to Judiciary Committee.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 164, by Committee on Transportation and Utilities (originally sponsored by Representatives Perry, Berentson, Martinis, Gilleland, Hansen, Patterson, McCormick, Ceccarelli, Clemente, Dunlap, Bender, Conner and Gaines):

Creating a department of transportation.

Referred to Committee on Transportation and Utilities.

HOUSE BILL NO. 170, by Representatives McCormick, Leckenby, Bond, Gallagher and Laughlin:

Providing an extension of time for tax exemption on use of propane in motor vehicles.

Referred to Committee on Transportation and Utilities.

ENGROSSED HOUSE BILL NO. 172, by Representatives Bagnariol, Curtis, Shinpoch and Polk (by Legislative Budget Committee request):

Standardizing the marking of public vehicles.

Referred to Committee on State Government.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 184, by Committee on Higher Education (originally sponsored by Representatives Maxie, Perry, Moreau, Patterson, Peterson, Bond, Savage, Wojahn, Charnley, Nelson, Erickson, Fischer, Laughlin and Matthews):

Allowing higher education fee exemptions for residents fifty-five years of age or over at discretion of individual boards of trustees and regents.

Referred to Committee on Higher Education.

ENGROSSED HOUSE BILL NO. 187, by Representatives Tilly, Haussler, Hansen, Curtis and Flanagan:

Changing designation of first class PUD to five commissioner PUD, and second class PUD to three commissioner PUD.

Referred to Committee on Transportation and Utilities.

HOUSE BILL NO. 189, by Representatives Bagnariol and Polk:

Authorizing water district commissioners to establish mileage reimbursement for official travel.

MOTION

On motion of Senator Mardesich, House Bill No. 189 was referred to the Committee on Local Government.

HOUSE BILL NO. 190, by Representatives Kraabel, Knowles, Eikenberry, Hayner, Smith (Rick), Charette and Seeberger:

Repealing provision that presiding officers of house and senate can become lawyers without legal training or examination.

Referred to Committee on State Government.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 198, by Committee on Financial Institutions (originally sponsored by Representatives Ceccarelli, Bagnariol, Deccio and Pardini):

Amending the insurance code.

Referred to Committee on Financial Institutions.

SUBSTITUTE HOUSE BILL NO. 204, by Committee on Ways and Means—Revenue (originally sponsored by Representatives Thompson, Curtis and Chatalas):

Eliminating motor vehicle fuel tax refunds presently available for watercraft.

Referred to Committee on Ways and Means.

ENGROSSED HOUSE BILL NO. 205, by Representatives Brown, Bauer and Erickson:

Redesignating intermediate school districts with their attendant boards and officials, as educational service districts.

Referred to Committee on Rules.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 207, by Committee on Local

Government (originally sponsored by Representatives O'Brien, Blair, Douthwaite and Gaines):

Authorizing cities and town to provide certain off-street parking in manner their legislative authority provides by ordinance.

Referred to Committee on Local Government.

REENGROSSED SUBSTITUTE HOUSE BILL NO. 217, by Committee on Financial Institutions (originally sponsored by Representatives Valle, Nelson, Thompson, Erickson and Curtis):

Providing occupational therapy coverage under existing health insurance contracts. Referred to Committee on Social and Health Service.

ENGROSSED HOUSE BILL NO. 218, by Representatives Gaspard, Bausch and Hendricks (by State Employees' Insurance Board request):

Implementing law relating to the state employees insurance board, including authorizing an added charge to premium contributions.

Referred to Committee on Financial Institutions.

HOUSE BILL NO. 230, by Representatives Douthwaite, Leckenby, Bender, Clemente and Dunlap (by Department of Highways request):

Authorizing the highway commission to establish equipment requirements for unsafe road conditions.

Referred to Committee on Transportation and Utilities.

ENGROSSED HOUSE BILL NO. 245, by Representatives Charette, Moon, Smith (Edward) and Randall:

Prohibiting county assessors from engaging in private appraising.

Referred to Committee on Local Government.

SUBSTITUTE HOUSE BILL NO. 249, by Committee on Transportation and Utilities (originally sponsored by Representatives Newhouse, Hansen, Patterson and Gilleland:

Making certain changes in the laws relating to vehicle tonnage fees.

Referred to Committee on Transportation and Utilities.

ENGROSSED HOUSE BILL NO. 251, by Representatives Wojahn, Lee, McCormick, North, Shinpoch, Bagnariol, Perry, Maxie, Bauer, Erickson, Cochrane, Becker, Sommers, Sherman, Fortson, Valle, Charnley, Kilbury, Laughlin and Williams: Creating the Washington state women's council.

Referred to Committee on State Government.

ENGROSSED HOUSE BILL NO. 261, by Representatives Knowles, Hayner and Maxie (by Judicial Council request):

Requiring no fee when a relinquishment of parental rights is filed.

Referred to Judiciary Committee.

HOUSE BILL NO. 264, by Representatives Knowles, Smith (Rick) and Seeberger (by Judicial Council request):

Requiring the clerk of district and municipal courts to collect and remit fees, costs, penalties, fines and forfeitures.

Referred to Judiciary Committee.

HOUSE BILL NO. 266, by Representatives Randall, Pardini and Erickson (by Department of Revenue request):

Pertaining to revenue and taxation.

Referred to Committee on Ways and Means.

HOUSE BILL NO. 267, by Representatives Randall, Pardini and Erickson (by Department of Revenue request):

Pertaining to pollution control credits or exemptions.

Referred to Committee on Ways and Means.

ENGROSSED HOUSE BILL NO. 271, by Representatives Sommers and Erickson (by Department of Revenue request):

Altering the assessment procedures for telegraph company property and authorizing the board of tax appeals to value property that is denied exemption.

Referred to Committee on Ways and Means.

ENGROSSED HOUSE BILL NO. 278, by Representatives Sommers, Shinpoch, Charnley, Kraabel, Matthews and North (by Department of Social and Health Services request):

Providing for nursing home accounting systems.

Referred to Committee on Rules.

ENGROSSED HOUSE BILL NO. 281, by Representatives Parker, Kuehnle, Adams and Barnes (by Department of Social and Health Services request):

Authorizing continuation of child welfare services to age twenty-one.

Referred to Committee on Ways and Means.

REENGROSSED HOUSE BILL NO. 285, by Representatives King, Juelling, Conner, Adams, Luders, Laughlin, Savage, Chandler, Blair, Chatalas, Haley, Charnley and Hanna:

Providing for the designation of certain specified fire and police department position as public employees.

Referred to Committee on Rules.

ENGROSSED HOUSE BILL NO. 295, by Representatives Ceccarelli, Pardini, Fischer and McCormick:

Providing for, and regulation of, bank conservators.

Referred to Committee on Financial Institutions.

ENGROSSED HOUSE BILL NO. 304, by Representatives Ceccarelli and Pardini:

Prohibiting certain mortgage reserve accounts.

Referred to Committee on Financial Institutions.

ENGROSSED HOUSE BILL NO. 305, by Representatives Hansen, Patterson, Hurley (Margaret), Perry, Bender, Clemente, Changler, Boldt, Fortson, Gaines, Gilleland, Laughlin and Lee:

Staggering renewal date for motor vehicle registration.

Referred to Committee on Transportation and Utilities.

HOUSE BILL NO. 307, by Representatives Douthwaite, Peterson, Blair and Paterson:

Repealing prohibition against sale of liquor on the University of Washington campus.

Referred to Committee on Commerce.

ENGROSSED HOUSE BILL NO. 310, by Representatives Chatalas, Curtis, Shinpoch and Polk (by Legislative Budget Committee request):

Prescribing allocation of revenue from test firing operation.

Referred to Committee on Ways and Means.

ENGROSSED HOUSE BILL NO. 311, by Representatives Tilly, Gaspard, Hayner and Knowles:

Providing a reinstatement period for a corporation of three years.
Referred to Judiciary Committee.

HOUSE BILL NO. 314, by Representatives Sommers, O'Brien and Leckenby (by State Treasurer request):

Providing for the transfer of funds from and the abolishment of the world fair bond redemption fund.

Referred to Committee on Rules.

ENGROSSED HOUSE BILL NO. 330, by Representatives Bagnariol, Pardini, Randall, Warnke, Shinpoch, Charnley, Eng, Matthews and North:

Exempting insulin and prosthetic devices from sales and use taxes.
Referred to Committee on Ways and Means.

ENGROSSED HOUSE BILL NO. 331, by Representatives Sommers, Nelson, Randall, Erickson, Smith (Rick) and Kraabel:

Defining the term adopted child for inheritance tax purposes.
Referred to Committee on Ways and Means.

SUBSTITUTE HOUSE BILL NO. 345, by Committee on Ways and Means (originally sponsored by Representatives Moreau and Erickson):

Eliminating fee and changing excise tax registration certificate requirements.
Referred to Committee on Ways and Means.

HOUSE BILL NO. 349, by Representatives Hawkins, Brown and Randall (by Department of Revenue request):

Pertaining to apportionment of services and income for tax purposes.
Referred to Committee on Ways and Means.

ENGROSSED HOUSE BILL NO. 350, by Representatives Randall, Pardini and Erickson (by Department of Revenue request):

Pertaining to hotel, motel excise tax by counties and cities.
Referred to Committee on Ways and Means.

ENGROSSED HOUSE BILL NO. 354, by Representatives Randall, Sommers and Hayner (by Department of Revenue request):

Changing "tax commission" to "department of revenue" in various statutes.
Referred to Committee on Ways and Means.

SUBSTITUTE HOUSE BILL NO. 360, by Committee on Transportation and Utilities (originally sponsored by Representatives Kalich and Jastad):

Making an emergency appropriation for the operation of the Puget Island Ferry for the remaining portion of the 1973-1975 biennium.

Referred to Committee on Transportation and Utilities.

ENGROSSED HOUSE BILL NO. 377, by Representatives Curtis and Hurley (George) (by Department of Game request):

Increasing certain fees and licenses for game and game fish.
Referred to Committee on Natural Resources.

ENGROSSED HOUSE BILL NO. 385, by Representatives Kilbury, Tilly, Becker and Hansen:

Increasing the assessment per head on cattle.
Referred to Committee on Rules.

ENGROSSED HOUSE BILL NO. 422, by Representatives Randall, Kilbury, Hurley (George), Hayner, Hurley (Margaret) and Curtis:
Permitting tax adjustments upon property destroyed at any time during the year.
Referred to Committee on Ways and Means.

HOUSE BILL NO. 468, by Representatives Parker, Bagnariol, Shinpoch and Sommers:
Abolishing the state armory fund and directing revenue to state general fund.
Referred to Committee on Ways and Means.

ENGROSSED HOUSE BILL NO. 474, by Representative Charette:
Authorizing cities to provide ambulance services and impose taxes for the support thereof.
Referred to Committee on Local Government.

SUBSTITUTE HOUSE BILL NO. 593, by Committee on Constitution and Elections (originally sponsored by Representatives King, Brown and Charette):
Permitting vote by absentee ballot for persons not making their original registration before 30 days prior to an election or primary.
Referred to Committee on Constitution and Elections.

SECOND READING

SENATE BILL NO. 2071, by Senators Bottiger, Woody and Scott:
Increasing fees for service in process.
The bill was read the second time by sections.
On motion of Senator Bottiger, the rules were suspended, Senate Bill No. 2071 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, Senate Bill No. 2071 was ordered placed on the third reading calendar for Tuesday, March 18, 1975.

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

MESSAGE FROM THE HOUSE

March 17, 1975.

Mr. President: The Speaker has signed SENATE CONCURRENT RESOLUTION NO. 109, and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

SECOND READING

SENATE BILL NO. 2690, by Senators Jolly and Talley:
Authorizing three-quart milk containers.

REPORT OF STANDING COMMITTEE

February 28, 1975.

SENATE BILL NO. 2690, authorizing three-quart milk containers (reported by Committee on Agriculture):

Recommendation: Do pass with the following amendment:

On line 14, after "other sizes", strike the remainder of the sentence and insert "[under one quart.] in multiples of the foregoing."

Signed by: Senators Jolly, Chairman; Benitz, Day, Sellar, Wilson.

The bill was read the second time by sections.

On motion of Senator Jolly, the committee amendment was adopted.

On motion of Senator Jolly, the rules were suspended, Engrossed Senate Bill No. 2690 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Van Hollebeke: "Would Senator Jolly please yield to a question? Senator Jolly, the present statute provides that milk products shall be packaged for retail sale only in unit of one gill, one-half liquid pint, ten fluid ounces, etc. How much is one gill, Senator Jolly?"

Senator Jolly: "One-eighth of a quart, I think."

Senator Van Hollebeke: "Thank you."

POINT OF INQUIRY

Senator Wanamaker: "Would Senator Jolly yield to another question? Senator Jolly, I have seen these things happen in the past which is usually promoted by the big operator to freeze out the small one, due to the cost of changing over their machinery in order to be able to do this. Did you get any testimony from the small operators that they wanted this?"

Senator Jolly: "We did not have any opposition at all in the testimony. Now I do not recall—there was one manufacturer of cartons that had manufactured them for the state of Idaho and Oregon that testified for it and that was all. No one testified against it."

Senator Talley: "I might be able to answer your question."

Senator Wanamaker: "The dairy industry representative was there and he testified for the bill."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2690, and the bill passed the Senate by the following vote: Yeas, 40; absent or not voting, 4; excused, 5.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Jolly, Knoblauch, Lewis (R. H. "Bob"), Marsh, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—40.

Absent or not voting: Senators Donohue, Lewis (Harry), Mardesich, Matson—4.

Excused: Senators Herr, Jones, Keefe, Scott, Sellar—5.

ENGROSSED SENATE BILL NO. 2690, having received the 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 committee of honor escorted The Most Reverend Thomas A. Connolly, Reverend Monsignor John P. Doogan and Reverend Matthew Naumes from the Senate Chamber to the office of the Lieutenant Governor.

MOTIONS

At 12:45 p.m., Senator Walgren moved that the Senate adjourn until 11:00 a.m., Tuesday, March 18, 1975.

On motion of Senator Mardesich, the motion by Senator Walgren was amended that the Senate convene at 10:15 a.m., Tuesday, March 18, 1975.

The motion by Senator Walgren, as amended by Senator Mardesich carried and the Senate adjourned at 12:45 p.m.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

FIFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, March 18, 1975.

The Senate was called to order at 10:15 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 Michele Doyle and Franklin Millner, presented the Colors. Reverend Arthur I. Anderson, pastor of Gloria Dei Lutheran Church of Olympia, offered the following prayer:

"GOD MOVES IN A MYSTERIOUS WAY HIS WONDERS TO PERFORM. HE PLANTS HIS FOOTSTEPS IN THE SEA AND RIDES UPON THE STORM. BLIND UNBELIEF IS SURE TO ERR AND SCAN HIS WORK IN VAIN. GOD IS HIS OWN INTERPRETER AND HE WILL MAKE IT PLAIN. INTERPRET NOW YOUR WILL AND PURPOSE, LORD, MAKE IT PLAIN TO THESE CHOSEN SERVANTS IN THIS LEGISLATIVE CHAMBER. LEAD THEM TO CHOOSE: NOT WHAT IS EASY BUT WHAT IS RIGHT; NOT WHAT IS POPULAR BUT WHAT IS TRUE; NOT WHAT IS EXPEDIENT BUT WHAT IS ENDURING; NOT WHAT IS PARTISAN BUT WHAT IS STATESMANLIKE. MAY THEY UNRESERVEDLY AND WHOLEHEARTEDLY SUBMIT THEMSELVES TO YOUR WILL AND WISDOM THIS DAY AND FIND JOY AND SATISFACTION IN A TASK WELL DONE. O MASTER OF ALL GOOD WORKMEN, SET US TO WORK ANEW. AMEN."

MOTION

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

REPORTS OF STANDING COMMITTEES

March 17, 1975.

SENATE BILL NO. 2133, authorizing payment of claims against state officers or employees from tort claims revolving fund (reported by Committee on State Government):

MAJORITY recommendation: That Substitute Senate Bill No. 2133 be substituted therefor and the substitute bill do pass.

Signed by: Senators Rasmussen, Chairman; Buffington, Day, Henry, Knoblauch, Wanamaker.

Passed to Committee on Rules for second reading.

March 17, 1975.

SENATE BILL NO. 2317, requiring explanatory statement on voters' pamphlet (reported by Committee on Constitution and Elections):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Beck, Chairman, Lewis (R. H. "Bob"), Pullen, Stortini, Washington.

Passed to Committee on Rules for second reading.

March 17, 1975.

SENATE BILL NO. 2342, requiring state auditor to audit municipal associations (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Rasmussen, Chairman; Buffington, Henry, Knoblauch, Wanamaker.

Passed to Committee on Rules for second reading.

March 17, 1975.

SENATE BILL NO. 2483, requiring counties to establish and maintain an equipment rental fund (reported by Committee on Local Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Fleming, Chairman; Jolly, Lewis, (R. H. "Bob"), McDermott, North, Sellar, Talley, Wilson

Passed to Committee on Rules for second reading.

March 17, 1975.

SENATE BILL NO. 2501, permitting departmental post-audits at reasonable intervals (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Rasmussen, Chairman; Buffington, Day, Henry, Knoblauch, Wanamaker.

Passed to Committee on Rules for second reading.

March 18, 1975.

SENATE BILL NO. 2607, revising priorities for state highway improvements (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Walgren, Chairman; Beck, Bluechel, Bottiger, Guess, Jolly, Morrison, Sellar, Talley.

Passed to Committee on Rules for second reading.

March 17, 1975.

SENATE BILL NO. 2611, providing for automatic transfer of voter registration in county when address appears changed on precinct list of voters (reported by Committee on Constitution and Elections):

Recommendation: Do pass as amended.

Signed by: Senators Beck, Chairman; Grant, Lewis (R. H. "Bob"), Pullen, Stortini, Washington.

Passed to Committee on Rules for second reading.

March 18, 1975.

HOUSE BILL NO. 130, changing procedure for certifying small claims judgments (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Buffington, Clarke, Jones, Marsh, Scott, Van Hollebeke
 Passed to Committee on Rules for second reading.

March 18, 1975.

ENGROSSED HOUSE BILL NO. 311, providing a reinstatement period for a corporation of three years (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Buffington, Clarke, Jones, Marsh, Scott, Van Hollebeke.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE GOVERNOR

March 11, 1975.

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 Third Extraordinary Session of the Forty-third Session of the Legislature.

PATRICK A. (ROBERT) MASON

Patrick A. (Robert) Mason was found guilty of Forgery in the First Degree by the Superior Court of the State of Washington for Spokane County, on October 1, 1954, and he was thereupon placed on probation. His probation was revoked on April 11, 1958, and he was sentenced to a term of not more than twenty years in the State Penitentiary. He was paroled April 11, 1960, and received a Final Discharge and Restoration of Civil Rights from the Board of Prison Terms and Paroles on October 9, 1963.

Patrick Mason has since maintained a record free of further arrests and has successfully operated his own business in his community. He is a Certified Flight Instructor and holds a private and commercial pilot's license. His petition for a pardon is supported by numerous individuals in his community who have attested to his good character and standing.

On June 26, 1974, Patrick Mason was granted a pardon from that judgment and sentence of Forgery in the First Degree entered October 1, 1954, by the Superior Court of the State of Washington for Spokane County.

FERNAND JOSEPH PAQUETTE

Fernand Joseph Paquette was found guilty of Grand Larceny by the Superior Court of the State of Washington for Chelan County on May 10, 1939, and was sentenced to a term of not more than ten years in the State Reformatory. Prior to being transferred to the Reformatory, he was found guilty of Intentionally Taking An Automobile Without the Owner's Permission by the Superior Court of the State of Washington for Yakima County on May 15, 1939. He was sentenced to a term of not more than fifteen years at the State Reformatory, with the sentence to run concurrently with the Chelan County conviction.

Mr. Paquette served two years at the Reformatory and was paroled on May 9, 1941. Subsequently the parole was revoked and he was returned to the Reformatory on January 24, 1942. He was released on parole on March 6, 1944 and received a Final Discharge and Restoration of Civil Rights on June 15, 1964.

In 1947, Mr. Paquette moved to California where, from 1955 to 1968, he had a number of misdemeanor driving convictions which were directly related to a drinking problem. He voluntarily became a member of Alcoholics Anonymous and has since given up drinking.

Fernand Paquette successfully operates his own business in Whittier, California, and has become a responsible member of the community, volunteering his services to the Whittier judicial system to assist people with drinking problems. At the present time he is serving on a court panel, established in Whittier by the Municipal Court Judges, which attempts to aid alcoholics in their rehabilitative efforts. His petition for pardon is supported by the Chief of Police of Whittier, California and a judge of the Municipal Court of the Whittier Judicial District.

On September 4, 1974, Fernand Joseph Paquette was pardoned from that judgment and sentence of Grand Larceny entered May 10, 1939, by the Superior Court of Chelan County, Washington, and from that judgment and sentence of Intentionally Taking an Automobile Without the Owner's Permission entered May 15, 1939, by the Superior Court of the State of Washington for Yakima County.

Respectfully submitted,
DANIEL J. EVANS
Governor

MESSAGES FROM THE HOUSE

March 17, 1975.

Mr. President: The House has passed:

HOUSE JOINT MEMORIAL NO. 2,
HOUSE JOINT MEMORIAL NO. 4,
HOUSE JOINT MEMORIAL NO. 6,
HOUSE JOINT MEMORIAL NO. 9,
HOUSE JOINT MEMORIAL NO. 15,
HOUSE JOINT MEMORIAL NO. 16,
HOUSE JOINT MEMORIAL NO. 17,
HOUSE JOINT RESOLUTION NO. 5, and the same are herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk

March 17, 1975.

Mr. President: The House has passed:

ENGROSSED HOUSE BILL NO. 451,
ENGROSSED HOUSE BILL NO. 486,
ENGROSSED HOUSE BILL NO. 587, and the same are herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk

INTRODUCTION AND FIRST READING

SENATE BILL NO. 2893, by Senators Rasmussen and Fleming:

An Act relating to cities and towns; and amending section 35.18.290, chapter 7, Laws of 1965 as amended by section 4, chapter 47, Laws of 1965 ex. sess. and RCW 35.18.290.

Referred to Committee on Local Government.

SENATE BILL NO. 2894, by Senators Day, Jones and Ridder:

An Act relating to liens for medical service; amending section 1, chapter 69, Laws of 1937 and RCW 60.44.010; and amending section 2, chapter 69, Laws of 1937 and RCW 60.44.020.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2895, by Senators Day, Jones and Ridder:

An Act relating to blind persons and vending operations in public buildings; adding a new chapter to Title 74 RCW; and repealing section 1, chapter 144, Laws of 1963 and RCW 74.16.310.

Referred to Committee on Social and Health Services.

ENGROSSED HOUSE BILL NO. 451, by Representatives Haussler, Pardini and Sommers (by Department of Revenue request):

Pertaining to the cigarette excise tax.

Referred to Committee on WAYS AND MEANS.

ENGROSSED HOUSE BILL NO. 486, by Representatives Berentson, Thompson, Hansey and Gallagher:

Authorizing state support for certain county ferries.

Referred to Committee on Transportation and Utilities.

ENGROSSED HOUSE BILL NO. 587, by Representatives Ceccarelli, Berentson, Perry, Chatalas and Leckenby:

Providing for creation of West Seattle access development commission.

Referred to Committee on Transportation and Utilities.

HOUSE JOINT MEMORIAL NO. 2, by Representatives Patterson, Perry, Hansen, Martinis, Gilleland, McCormick, Berentson, Charnley, Bender, Chandler, Conner, Leckenby, Dunlap, Barnes, Hendricks, Sherman, Gallagher, Wilson, Douthwaite, Schumaker, Seeberger, Chatalas, Laughlin and McKibbin:

Requesting the federal government return to the states at least fifty percent of increased revenues from new energy conservation taxes.

Referred to Committee on Transportation and Utilities.

HOUSE JOINT MEMORIAL NO. 4, by Representatives Bond, Perry, Haussler, McCormick, Berentson, Newhouse, Zimmerman, Luders, Dunlap, Peterson, Tilly, Barnes, Amen, Brown, Hendricks, Haley, Wilson, Whiteside, Kuehnle, Hayner, Pardini, Flanagan, Paris, Curtis, Patterson, Charnley and Matthews:

Memorializing the President and the Governors of the several western states to meet in conference at Olympia for the purpose of seeking remedies for the problem of natural gas supplies.

Referred to Committee on Transportation and Utilities.

HOUSE JOINT MEMORIAL NO. 6, by Representatives Kilbury, Boldt, Wojahn, Charnley, Cochrane, Douthwaite, Perry, Fortson, North, Maxie, Valle, Bausch, Becker, Sherman, Williams, Hawkins, Moreau, Hanna, Thompson, Hurley (George), Lee, Brown, Laughlin, Moon, Sommers, Erickson, Smith (Rick), Bauer, Ceccarelli, Knowles, King, Bagnariol, Savage, Eng, Warnke, Shinpoch, Chatalas, Seeberger, McKibbin, Randall, Blair and Kalich:

Memorializing Governors and Legislatures of the states that have not ratified the equal rights amendment.

Referred to Judiciary Committee.

HOUSE JOINT MEMORIAL NO. 9, by Representatives Perry, Kilbury, Hansen, Patterson, Fortson, Fischer, Smith (Edward), Tilly, Bender, Clemente, Charnley, Hurley (George), Warnke, Luders, Knowles, Chatalas, North, Seeberger, Boldt, Moreau, Amen, Curtis and Laughlin:

Memorializing Congress to give priority to completing the Columbia Basin Project.

Referred to Committee on Rules.

HOUSE JOINT MEMORIAL NO. 15, by Representatives Bagnariol, Flanagan and Shinpoch:

Petitioning the President and the Director of the Office of Management and Budget to provide fiscal data to state legislatures on a systematic basis.

Referred to Committee on Ways and Means.

HOUSE JOINT MEMORIAL NO. 16, by Representatives Bagnariol, Flanagan and Shinpoch:

Petitioning Congress to establish a clearing house for federal budget information necessary for formulation of state budgets.

Referred to Committee on Ways and Means.

HOUSE JOINT MEMORIAL NO. 17, by Representatives Bagnariol, Flanagan and Shinpoch:

Petitioning the President to assist in the establishment of continuing working relationships between state legislatures and federal departments and agencies.

Referred to Committee on Ways and Means.

HOUSE JOINT RESOLUTION NO. 5, by Representatives King and Hayner: (by request of Committee on Constitution and Elections of the forty-third Legislature):

Amending the Constitution to change the amendment process thereof.

Referred to Committee on Constitution and Elections.

MOTION

At 10:30 a.m., on motion of Senator Bailey, the Senate recessed until 11:48 a.m.

SECOND MORNING SESSION

The President called the Senate to order at 11:48 a.m.

APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence in the Senate Chamber of Charlene Myers, Miss Washington, and appointed Senators Cunningham, von Reichbauer, Rasmussen, and Lewis (R. H. "Bob") as a committee of honor to escort the honored guest to the rostrum.

With permission of the Senate, business was suspended to permit Miss Washington to address the Senate.

The committee of honor escorted the guest from the Senate Chamber and the committee was discharged.

THIRD READING

SENATE BILL NO. 2071, by Senators Bottiger, Woody and Scott:

Increasing fees for service in process.

The President declared the question before the Senate to be the roll call on final passage of Senate Bill No. 2071.

POINT OF INQUIRY

Senator Woody: "Would Senator Francis yield? For clarification, where it says on page 1, line 7, 'and return,' is there one charge for service of the summons and complaint or two charges, that is a second charge charged with the return?"

Senator Francis: "Senator Woody, there is one charge and it should be one charge only, and the law is not intended to allow for a doubling up on that charge."

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2071, and the bill passed the Senate by the following vote: Yeas, 48; absent or not voting, 1.

Voting yeas: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry,

Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—48.

Absent or not voting: Senator North—1.

SENATE BILL NO. 2071 having received the 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. 2731, by Senators Lewis (Harry), and Peterson:
Providing for training in trapping before license is issued.

REPORT OF STANDING COMMITTEE

March 6, 1975.

SENATE BILL NO. 2731, providing for training in trapping before license is issued (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 12, after "commission" and before "establish" strike "is authorized to" and insert "shall".

Signed by: Senators Peterson, Chairman; Beck, Bluechel, Lewis (Harry), Sandison, Talley

The bill was read the second time by sections.

Senator Peterson moved adoption of the committee amendment.

POINT OF INQUIRY

Senator Odegaard: "Would Senator Peterson yield? Senator Peterson, with the amendment which would make it mandatory, who is to pay for the training program?"

Senator Peterson: "The fiscal impact as indicated in committee would be very minimal. The department indicated that their field personnel, in cooperation with the existing trappers associations throughout the state would provide the training."

Senator Odegaard: "It would come entirely out of the game funds, would it not?"

Senator Peterson: "It would be administered by the Game Department in cooperation with the existing trapping organizations, yes."

POINT OF INQUIRY

Senator Donohue: "Would Senator Peterson yield? If we adopt this amendment which would mandate that they do establish a program—I am thinking about, for instance, in my community I do not think that we have any trapping organization or humane society or anything like that. We do have a firearms safety group that works with youngsters prior to their receiving a hunting license. Now are we to assume that the Game Department perhaps would authorize or train one of those people and they would do the training of these young people? Is that what we are talking about?"

Senator Peterson: "Basically, I guess it gets down to that question in areas where they do not have an organized trappers organization or trappers in the vicinity that would participate in this program, then if we put this amendment on it would obviously obligate the department to in effect train their personnel if they did not have personnel to perform the functions."

Senator Donohue: "Either that or the Game Department, their representative, would probably be available and would do the job themselves. . . ."

Senator Peterson: "They would have to."

POINT OF INQUIRY

Senator Talley: "Would Senator Peterson yield to a question? Senator Peterson, under this bill now, would I be allowed to trap rats, mice and moles? I know I need some training in trapping moles. I do not have much luck at it."

Senator Peterson: "Senator Talley, in answer to your question, actually the animals that are allowed to be trapped are already spelled out in statute and it would not affect moles, mice, rats, etc."

POINT OF INQUIRY

Senator Wilson: "Will Senator Peterson yield please? Senator, could you please tell me what the Game Department's position was on this bill as evidenced in testimony before your committee?"

Senator Peterson: "They had no particular objection to the measure. Their testimony to the committee indicated that they thought that with very minimal expense they could administer it and they did not testify against the bill."

Senator Wilson: "Did they indicate that they felt there was a real need for this bill? Will Senator Lewis yield?"

Senator Lewis (Harry): "Yes, Senator Wilson, I am sorry, I did not hear your question."

Senator Wilson: "I asked Senator Peterson if the Game Department has indicated it feels there is a real need for this bill?"

Senator Lewis (Harry): "Yes, they have, Senator Wilson, I presented this idea to the Game Commission in Vancouver last summer. They were very enthusiastic about it and have checked it out and they fully support it, as well as the trappers organizations are supporting this legislation."

The motion by Senator Peterson failed and the committee amendment was not adopted on a rising vote.

Senator Rasmussen moved adoption of the following amendment by Senators Rasmussen and Lewis (Harry):

On page 1, line 14, after "techniques" and before the comma, insert "including the use of trapping devices designed to painlessly capture or instantaneously kill"

POINT OF INQUIRY

Senator Talley: "Will Senator Rasmussen yield? The use of these traps is not mandatory; they just teach them to use them if they want to?"

Senator Rasmussen: "This is correct."

The motion by Senator Rasmussen carried and the amendment was adopted.

MOTION

Senator Francis moved that Senate Bill No. 2731, as amended, be held on the second reading calendar for Wednesday, March 19, 1975.

Debate ensued.

The motion by Senator Francis carried. Senate Bill No. 2731, as amended, was placed on the second reading calendar for Wednesday, March 19, 1975.

MOTIONS

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

At 12:15 p.m., on motion of Senator Mardesich, the Senate adjourned until 10:15 a.m., Wednesday, March 19, 1975.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

SIXTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, March 19, 1975.

The Senate was called to order at 10:15 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Rasmussen and Ridder. There being no objection, Senators Rasmussen and Ridder were excused.

The Color Guard, consisting of Pages Susan Regan and Scott Sangster, presented the Colors. Reverend Arthur I. Anderson, pastor of Gloria Dei Lutheran Church of Olympia, offered the following prayer:

"THANK YOU GOD, FOR THIS NEW DAY AND FOR ANOTHER OPPORTUNITY TO LIVE UNDER YOU IN YOUR KINGDOM AND TO SERVE YOU THROUGH A GENUINE CONCERN FOR OTHERS. YOU ARE LOVE AND WITHOUT YOUR LOVE, WE ARE NOTHING. YOU ARE LIGHT AND WITHOUT YOUR LIGHT, WE STUMBLE IN DARKNESS. YOU ARE SPIRIT AND WE MUST WORSHIP YOU IN SPIRIT AND IN TRUTH. MAY YOUR SPIRIT SHED YOUR LOVE ABROAD IN OUR HEARTS, ENLIGHTEN OUR MINDS WITH YOUR WISDOM AND ENABLE US TO ACT ACCORDING TO YOUR DIVINE INTENTIONS. GOD OF LOVE AND LIGHT AND TRUTH, MAY THESE BRIEF PRAYER MOMENTS BE A TIME EXPOSURE OF OUR SPIRITS IN YOUR PRESENCE CAUSING US TO REFLECT YOUR IMAGE IN ALL THAT WE THINK OR SAY OR DO THIS DAY. FOR YOUR LOVE'S SAKE, WE ASK IT. AMEN."

MOTION

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

REPORTS OF STANDING COMMITTEES

March 18, 1975.

SENATE BILL NO. 2306, revising the law relating to usury (reported by Committee on Financial Institutions):

MAJORITY recommendation: Do pass.

Signed by: Senators Woody, Chairman; Bluechel, Clarke, Jones, Mardesich, Walgren.

Passed to Committee on Rules for second reading.

March 18, 1975.

SENATE BILL NO. 2400, declaring that punitive damage awards are generally not against public policy (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed By: Senators Francis, Chairman; Bottiger, Fleming, Marsh, Van Hollebeke, Woody.

Passed to Committee on Rules for second reading.

March 5, 1975.

SENATE BILL NO. 2416, changing requirements for foreclosing a deed of trust (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Francis, Chairman; Buffington, Clarke, Fleming, Jones, Scott.

Passed To Committee on Rules for second reading.

March 18, 1975.

SENATE BILL NO. 2439, raising the amount of money a resident of the state residential school may lawfully possess before the superintendent must reimburse the department for care (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended and that the bill be referred to the Committee on Ways and Means.

Signed by: Senators Day, Chairman; von Reichbauer, Vice Chairman; Goltz, McDermott, North, Pullen, Ridder, Van Hollebeke.

Referred to Committee on Ways and Means.

March 19, 1975.

ENGROSSED HOUSE BILL NO. 131, requiring only that a school district make reasonable effort to maintain minimum term of school required by law in lieu of dissolution of such district (reported by Committee on Education):

MAJORITY recommendation: Do pass.

Signed by: Senators Stortini, Chairman; McDermott, Murray, Newschwander, von Reichbauer.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE HOUSE

March 18, 1975.

Mr. President: The House has passed:

ENGROSSED HOUSE BILL NO. 268,

HOUSE BILL NO. 357, and the same are herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

INTRODUCTION AND FIRST READING

SENATE BILL NO. 2896, by Senators Rasmussen and Cunningham:

An Act relating to the law against 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; repealing sections 1 through 7, chapter 34, Laws of 1971 and RCW 43.115.010 through 43.115.900; and repealing sections 1 through 11 and section 14, chapter 140, Laws of 1974 ex. sess. and RCW 43.117.010 through 43.117.900 and 43.117.910.

Referred to Committee on State Government.

SENATE BILL NO. 2897, by Senators Bottiger, Rasmussen and Marsh:

An Act relating to the director of the state system of community colleges; amending section 28B.50.060, chapter 223, Laws of 1969 ex. sess. as last amended by section 8, chapter 46, Laws of 1973 1st ex. sess. and RCW 28B.50.060; and making an effective date.

Referred to Committee on Higher Education.

SENATE BILL NO. 2898, by Senators Bailey, Matson and Donohue:

An Act relating to state government; amending section 43.03.010, chapter 8, Laws of 1965 as last amended by section 2, chapter 149, Laws of 1974 ex. sess. (Initiative Measure No. 282) and RCW 43.03.010; and declaring an emergency.

Referred to Committee on Higher Education.

SENATE BILL NO. 2899, by Senator Pullen:

An Act relating to education; enacting the basic education act; amending section 28A.05.010, chapter 223, Laws of 1969 ex. sess. as amended by section 3, chapter 71.

Laws of 1969 and RCW 28A.05.010; adding new sections to chapter 28A.05-RCW; and making an appropriation.

Referred to Committee on Education.

ENGROSSED HOUSE BILL NO. 268, by Representatives Moon, Pardini, Randall and Charnley (by Department of Revenue request):

Pertaining to appeals to the board of tax appeals.

Referred to Committee on Ways and Means.

HOUSE BILL NO. 357, by Representative Conner:

Permitting monthly license for certain types of dump trucks.

Referred to Committee on Transportation and Utilities.

MOTION

At 10:25 a.m., on motion of Senator Bailey, the Senate recessed until 11:08 a.m.

SECOND MORNING SESSION

The President called the Senate to order at 11:08 a.m.

SECOND READING

SENATE BILL NO. 2731, by Senators Lewis (Harry), and Peterson:

Providing for training in trapping before license is issued.

The Senate resumed consideration of Senate Bill No. 2731 as amended Tuesday, March 18, 1975.

On motion of Senator Lewis (Harry), the rules were suspended, Engrossed Senate Bill No. 2731 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Woody: "Would Senator Lewis yield? I understand, and I am not sure, was there an amendment put in limiting this only to commercial trapping or not?"

Senator Lewis (Harry): "No, there was not, Senator Woody."

Senator Woody: "I have examined the statutes and perhaps you can elucidate. When they talk about fur bearing it is not described anyplace in the chapter as to what fur bearing means. I know a few of us had a question, a few of us chicken ranchers, Senator Bottiger and Senator Grant and I seem to have a few chickens running around, and if you set a trap for something that is attending to your chickens and you catch an animal that has fur on it, what happens?"

Senator Lewis (Harry): "Senator Woody, that situation presently occurs and this bill has nothing to do with that situation. Right now you are required to have a trapping license in order to trap, and the statute will not change that situation at all as I understand it."

Senator Woody: "Is it not true that I will have to take training to get it since I do not have a license right now, and if I want to get that trappers license to trap a varmint that is after my chickens?"

Senator Lewis (Harry): "Anybody that presently has a trappers license is not required to do that. Senator Woody, if you decide that you want to start trapping you have not been trapping in the past, then that situation would occur and I think that makes a lot of sense, depending on the kind of trapping that you are going to do, whether it is your son that you decide to let set a trap somewhere. You can catch a cat or you can catch a dog. You can set the trap improperly and hurt yourself, and that was the intent of the legislation that was before us. But the present statute provides for that situation and this does not change that at all. What we are primarily trying to get to are the young

people who are going to start trapping for the first time, to teach them safe trapping techniques. And the best comparison I can give you is that at the present time before your son or before you go out and hunt, you have to have a training program for hunting before you take a rifle out in the woods or your son can, and this merely follows along that same line. They are both very important features and I might additionally add that the trapping association as well as the Game Department and Game Commission are all in full support of this."

POINT OF INQUIRY

Senator Donohue: "Would Senator Lewis yield? Senator Lewis, I am thinking back to the last session when a similar bill, and looking to the amendment, my question is, is it your intent to perhaps use this measure if the vehicle goes out and comes back with a little change in language to mandate that existing traps that are used today can no longer be used but only those new ones that are supposed to be painless, etc.? Remember the little bill, Senator?"

Senator Lewis (Harry): "Yes, I recall that bill very well, Senator Donohue. That is not my intent. For your information, the Game Department has, on its own volition, made decisions in various trapping areas. For example, they have required that traps be visited every forty-eight hours. The Game Commission made that move last summer. I am talking about instant kill type traps, for example, in trapping beaver and muskrat — they have prescribed methodology and they have prescribed the use of a conibear trap in certain areas. In actual fact, the Game Department could go ahead and instigate this kind of procedure without legislation. They have that authority right now. But I felt in discussing it with them that they should do it out in front and out in the open and they agree. There is no intent to use this as a vehicle for any other purpose except for precisely what the bill says."

Debate ensued.

POINT OF INQUIRY

Senator Cunningham: "Would Senator Lewis yield to another question? Senator Lewis, I have read this bill once and I thought I understood it, but after you explained something to Senator Woody I got more confused. You say that a person under seventeen, in order to set a trap, has to have a license? And the license has to be preceded on training? Or he has to have a certificate showing that he has completed a course of instruction?"

Senator Lewis (Harry): "Right now, in order to trap fur bearing animals, which is what we are talking about, you have to have a trapping license. That is the present situation."

Senator Cunningham: "My question is, I can understand about a trapping license. What I am concerned about is here when it says all persons seventeen years or younger have to have a certificate showing they know how to set a trap. A lot of kids set traps for gophers. I do not see anything in here that excludes that. I just want to make sure that they are"

Senator Lewis (Harry): "They are excluded and this is not included — we are talking about, Senator Woody, Senator Cunningham, the licensing by the Game Department now. We are not talking about gophers and mice. We are talking about the Game Department licensing trappers, which they presently do. You have to have a permit now in order to trap. Now we are not talking about trapping gophers and mice. They do not issue trapping permits and licenses to trap. But we are saying that when a young boy decides to go out and trap or an adult starting to trap for the first time, that he would go through a training program. And what would the training program be? It just does not mean, Senator Woody, a separate commission. What it means is that the Game Commission would work with the trapping association and the agencies that you see listed in the bill, humane or animal associations or trapping associations or the firearms safety group, and they would develop a simple program to teach safe, humane trapping methods. The only difference that we are talking about is that they would have some instruction. This would be done primarily by the trappers themselves in the state, so that

the fellow that trained you, Senator Woody, would probably train other handsome young men in how to trap. The purpose I think is a right one and I think we have debated it long enough. I hope we can bring it to a vote now and pass the bill."

POINT OF INQUIRY

Senator Bailey: "Will Senator Lewis yield? How many trappers licenses do we have at this time?"

Senator Lewis (Harry): "We have about twelve hundred licenses right now in the state of Washington."

Senator Bailey: "And how many new trappers licenses every year are issued?"

Senator Lewis (Harry): "About six hundred a year, as I understand it, to the best of my recollection, Senator Bailey. There is a big turnover of people going in and out."

Further debate ensued.

MOTIONS

On motion of Senator Mardesich, Engrossed Senate Bill No. 2731 was ordered placed on the third reading calendar for Thursday, March 20, 1975.

On motion of Senator Mardesich, Senate Bill No. 2403 was placed at the end of today's second reading calendar.

SECOND READING

SENATE BILL NO. 2251, by Senators Grant and Washington:
Requiring financial disclosure by appointed officials.

MOTION

On motion of Senator Beck, Substitute Senate Bill No. 2251 was substituted for Senate Bill No. 2251 and the substitute bill was placed on second reading and read the second time in full.

There being no objection, the following amendments by Senators Lewis (R. H. "Bob") and Lewis (Harry) were moved for adoption and considered simultaneously by Senator Lewis (R. H. "Bob"):

On page 1, line 11, strike "*state board for community college education,*"

On page 1, lines 17-18 beginning with "*University*" strike all material down to and including "*regents,*" on line 18.

On page 2, lines 18-21 beginning with "*Central*" strike all material down to and including "*trustees,*" on line 21.

POINT OF INQUIRY

Senator Lewis (Harry): "Would Senator Washington yield to a question? Senator Washington, there are some employees working for the State Finance Committee who invest as much as three hundred million dollars, sixty million dollars at a crack, of state money that belongs to pension boards, for example, on which retired people throughout the state are relying. Are they covered in this bill? Are those individual employees who are making the investments every day?"

Senator Washington: "No, they are not. Actually, I would like to say I do not think there would be a great deal of objection if someone wanted to add such an amendment. I know this was brought up in caucus and I would say that perhaps when we start getting down to sub-agency heads . . . we were merely at this point covering the top bracket. I think the next approach should be to move with some particularity as you are suggesting.

The appointed officials of the Pension Commission, for instance. Very possibly the chief official in the Highway Department relating to the purchase of right of way. Perhaps the head person under the Department of Administration relating to letting contracts for buildings on the campus."

Senator Lewis (Harry): "How about purchasing agents?"

Senator Washington: "Purchasing agents. But all we did here to start off with was to have the top agency heads of these departments, and certainly you have hit a point. I

think later on we should do that and I certainly, if someone had some amendments and wanted to move further in that direction, I would certainly have no objection."

Debate ensued.

Senators Beck, von Reichbauer and Lewis (R. H. "Bob") demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be the motion by Senator Lewis (R. H. "Bob") that the amendments to page 1, lines 11, 17-18 and 18-21 be adopted simultaneously.

The motion failed and the amendments were not adopted on a rising vote.

On motion of Senator Washington, the following amendment by Senators Washington and Grant was adopted:

On page 1, line 22, after "*commission*," and before "shall" insert "*and each chief executive officer of the various state boards, authorities, commissions, councils, and other political agencies enumerated in this section in addition to those specified in RCW 43.17.020*"

On motion of Senator Beck, the rules were suspended, Engrossed Substitute Senate Bill No. 2251 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Morrison: "Would Senator Washington yield to a question? The amendment that was just adopted by the body adds all chief executive officers not specified in the specific RCW which is also referred to earlier in the same sentence. Is there a definition anywhere within the act of chief executive officers?"

Senator Washington: "I do not believe there is such a definition but I believe in this context that there would be no question who the chief executive officer would be. Now incidentally, there where it provides, 'except in addition to those specified in RCW 43.17.020,' in that case 43.17.020 names all of the basic of the major code heads. It also in that case names the Director of Highways and the Director of Game. For that reason that wording is there. The other wording, of course, would cover the chief executive officer of the Data Processing Authority, Forest Practices Board, Gambling Commission, Game Commission, Council on Higher Education, Higher Education Personnel Board, State Highway Commission, Racing Commission, Liquor Control Board, Personnel Board, Public Disclosure Commission. In other words, you have the chief executive officer of that commission is Mr. Johnson, who has been hired to perform that duty. I do not believe there needs to be a specific definition. I think general terminology would cover it."

Senator Morrison: "Senator Washington, then my presumption that when you say 'all chief executive officers not specified in a certain RCW reference' that you believe that you are not covering anyone in any walk of life that might be defined as a chief executive?"

Senator Washington: "No, we are covering only those agencies that were set forth here. We are covering the State Board for Community College Education, the Data Processing Authority, the Forest Practices Board, and the other boards enumerated in this particular bill."

Senator Morrison: "I do not see that reference though, Senator."

Senator Washington: "It says, 'and other political agencies enumerated in this section.' In other words, it relates to all of those enumerated in the section. This amendment was drafted by Mr. Nicolai and I am sure it is tied down to cover only those persons enumerated in this section."

POINT OF INQUIRY

Senator Matson: "Would Senator Washington yield to a further question? How many people do we scoop up in this last amendment?"

Senator Washington: "Fifteen."

Senator Matson: "That is exactly what it is, fifteen?"

Senator Washington: "Fifteen. It is every agency enumerated from line 11 to line 21 except the Game Commission and the Highway Commission which were covered in line 8 where it specifies RCW 43.17.020."

POINT OF INQUIRY

Senator Lewis (Harry): "Will Senator Washington yield? Senator Washington, one of the most influential groups of people in the state in forming policy and influencing legislation or activities of boards and commissions, I think we all recognize here on the floor of the Senate, are newspapers, writers, publishers, and so forth. We have seen evidence in the papers recently of positions taken by reporters on the wine bill, for example, that is residing in committee here, in speaking out against that, for whatever effect it might have. I just use that as one example. There was an example that Senator Henry pointed out to me a number of years ago on a dog racing bill where newspapers have had substantial influence, and of course we recognize that they have influence in most areas. Why didn't you include in any of your amendments or in the bill such activity and such an influential group?"

Senator Washington: "I think there will be a number of influential groups that we do not cover. There are many quasi-public groups that take positions on a number of issues. I suppose we could go on almost ad infinitum but what we are attempting to do is to keep it within some manageable bounds within the ranks of elected public officials and those who have the direct responsibility for voting and allocating funds, making official final decisions which affect the public interest. There are the newspaper people, say the state president of Common Cause or the chairman of the Association of Washington Industries, any other group of agencies exercise a considerable amount of influence. We have not seen fit to go that far."

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2251, and the bill passed the Senate by the following vote: Yeas, 27; nays, 22.

Voting yea: Senators Bailey, Beck, Bottiger, Cunningham, Day, Donohue, Fleming, Grant, Henry, Herr, Jolly, Mardesich, Marsh, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Scott, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Woody—27.

Voting nay: Senators Benitz, Bluechel, Buffington, Clarke, Francis, Goltz, Gould, Guess, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Matson, McDermott, Morrison, Murray, Newschwander, North, Pullen, Sellar, Wanamaker—22.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2251, having received the 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 Mardesich, Engrossed Substitute Senate Bill No. 2251 was ordered immediately transmitted to the House.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of Senate Bill No. 2463.

SECOND READING

SENATE BILL NO. 2463, by Senators Sandison, Newschwander, Stortini, Odegaard, Guess and Donohue (by Senate Select Committee on Vocational Education request):

Relating to vocational education.

MOTION

On motion of Senator Sandison, Substitute Senate Bill No. 2463 was substituted

for Senate Bill No. 2463 and the substitute bill was placed on second reading and read the second time in full.

POINT OF ORDER

Senator von Reichbauer: "I move to raise scope and object on Substitute Senate Bill 2463. Mr. President, Senate Bill 2463 was filed as title only as: 'An Act relating to vocational education.' Only vocational education was covered by that title. The only text of SB 2463 reads as follows:

NEW SECTION. Section 1. Vocational education is essential to the prosperity of this state.

"II. The Substitute Senate Bill 2463 goes far beyond the subject matter of vocational education in covering high school diplomas, adult education, community schools, and community services.

"III. Section 11, page 7 authorizes the SPI 'to contract with community colleges to provide adult high school completion programs (to) fulfill the purposes to secondary education'

The statutory references apply to high school completion for military personnel and community college authority to issue high school certificates.

"IV. Section 7, page 6 refers to non-credit community service programs. RCW 28B.50.020 paragraph (2), clearly shows that community services are something different than occupational education.

"V. Section 7, page 6 also refers to RCW 28A.58.247. That statute defines community education as including instructional, recreational and/or service programs. In no way is vocational education included in the concept of community education, community schools, or community services."

Debate ensued.

RULING BY THE PRESIDENT

The President: "The President in ruling upon the point of order presented by Senator von Reichbauer, the President does not believe that Rule 60 covers this particular situation but even if it did and the point were well taken, the point of order is not timely as the Senate has already acted favorably upon the motion by Senator Sandison to substitute Substitute Senate Bill 2463 for Senate Bill No. 2463. Therefore, the point is not well taken."

Senator Bottiger moved adoption of the following amendment:

On page 2, line 24, before the period, insert: "PROVIDED, That the term postsecondary education shall not be applicable to vocational-technical institutes or other technical schools under the constitutional supervisory authority of the superintendent of public instruction"

Debate ensued.

The motion by Senator Bottiger failed and the amendment was not adopted.

Senator Bottiger moved adoption of the following amendment:

On page 4, line 23, after "secondary education" and before "constitutionally the" strike "is" and insert "and technical education, including specialized area vocational-technical institutes, are"

Debate ensued.

The motion by Senator Bottiger failed and the amendment was not adopted.

Senator Bottiger moved adoption of the following amendment:

On page 5, after line 16, insert the following:

"(4) Vocational-technical institutes. Notwithstanding the provisions of this act or any law to the contrary, existing vocational-technical institutes operating within the common school system shall continue to function therein."

Debate ensued.

POINT OF INQUIRY

Senator Henry: "Will Senator Sandison yield to a question? Senator Sandison, in my district in Skamania County we have had a very successful vocational education program in connection with the Stevenson High School. Senator Mardesich indicated to

me that he thought that that was covered in this bill, that they could continue to do so. The community college, Clark College, when we passed the community college bill, said that they would not interfere with that program and they have kept their word. Now under the terms of this bill without the Bottiger amendment, is the Stevenson High School program protected?"

Senator Sandison: "Assuming that they still have a detente between the two institutions and that there is no feeling in the community that it should be moved, I would say no, there would be no dispute, and I would assume that things would go on as they do now."

POINT OF INQUIRY

Senator Bottiger: "May I ask Senator Sandison to yield to a question? Senator Sandison, I traveled to Grandview to sit in on the hearing there where a vocational-technical institute operated by the Grandview School District was being gobbled up by Yakima. Would I presume that without a grandfather clause this could happen in Senator Henry's area as well?"

Senator Sandison: "No, I do not think it will. You know"

Senator Bottiger: "It could"

Senator Sandison: "No, if you will allow me to answer, Senator Bottiger, eighty-five percent or ninety percent of the problems between voc-tech and community colleges have been amicably settled. They settle and everything. There are just a few things that, and that was one of them, that there was any kind of a difficulty on. I think the problem about your amendment is that we are doing the same thing that we have done before. We set something in concrete. It may well be that as time goes on they will want to change the type of voc-tech education. They may want to change the voc-tech institutes. There may well come from within voc-tech institutes and their big supporters. And I think we are setting up a commission. We would hope that the people on this commission would have enough interest and would certainly be involved as members of labor and of business and that they would appoint the best director they could find so they would keep abreast of these things and not keep putting them into a concrete straitjacket so we never change."

The motion by Senator Bottiger failed and the amendment was not adopted on a rising vote.

On motion of Senator Bottiger, there being no objection, the remaining amendments by Senator Bottiger on the Secretary's desk were withdrawn.

On motion of Senator Sandison, the following amendment by Senators Sandison, Newschwander and Stortini was adopted:

On page 5, line 11, before "audits" strike "performance" and insert "compliance"

On motion of Senator Goltz, the following amendment was adopted:

On page 7, line 20, after "system" and before "continue" strike "may" and insert "shall"

On motion of Senator Sandison, the following amendment by Senators Sandison, Newschwander and Stortini was adopted:

On page 9, line 30, before "28B.50.230" insert "28B.50.221,"

On motion of Senator Sandison, the rules were suspended, Engrossed Substitute Senate Bill No. 2463 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 Newschwander: "Mr. President, would Senator Sandison yield for a question?"

Senator Sandison: "Yes, I yield."

Senator Newschwander: Senator Sandison, we have had an inquiry from the Office of Education and for the record I would like to ask: During the negotiations of the Select Committee was it understood that the "state plan" as called for by section 2(5) on page 2 is not meant to be restricted only to federal requirements but to be in fact the overall state plan for vocational education?"

Senator Sandison: "That is clearly the intention of the Select Committee's recommendations.

"The report of the Select Committee, which was distributed to each member of the Senate, stresses the intent to have, to the degree possible, local coordination and cooperation between the common school and community college districts, but within an overall state plan. Most specifically, I would like to quote from the Report on page 7: ' . . . Therefore, the Select Committee was not motivated in its recommendations to establish a Commission for Vocational Education simply in order for the state to qualify for the receipt of federal funds The secondary purpose of the Commission is to initially establish a state plan for vocational education which is in the best interests of vocational and occupational training needs of the state. Corollary to that responsibility for plan development is performance auditing to insure that the systems are responding to the general policies of the state plan. And in order to do so, the Commission must be armed with sufficient authority and statutory guidance to make policy determinations when necessary, either for evaluating proposals to modify the state vocational educational plan or for resolving disputes arising therefrom'"

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Will Senator Sandison yield to a question? Senator, you mention there were forty-eight employees, Superintendent of Public Instruction? Is that division going to be abolished?"

Senator Sandison: "No, they will not. I would assume that if there is more vocational education being created for about the same buck, I suppose they may even enlarge a little bit. No, it would not be abolished. They will still administer vocational education in the K through 12 program."

Senator Rasmussen: "What about the Coordinating Council For Vocational Education?"

Senator Sandison: "The Coordinating Council will be abolished and this will be the Commission for Higher Education."

Senator Rasmussen: "Now this new commission that you are forming, they will have no employees? It will be just the appointees?"

Senator Sandison: "They will replace a Coordinating Council that has one hundred and ninety-four employees, and Lee Buffington from OPP & FM who is sitting in on this said that this new commission on vocation education should be able to do it and he said, just roughly, fifteen man years."

Senator Rasmussen: "They will be limited?"

Senator Sandison: "Yes."

Senator Rasmussen: "I am not an enthusiastic supporter of creating new commissions."

Senator Sandison: "No, we are not creating one; we are replacing one. Remember, under the federal law we have to have a separate agency from either SPI or the Community College to receive federal money, so we would have had to have a separate one anyway. This does this, along with the other job."

Senator Rasmussen: "Yes, you bring up a very vital point. Sometime, somewhere, somehow, our Congressmen and Senators must get a grain of brains and say that they can send that check out without sending a hundred people to carry it. And this is one of the sad parts that we have with our federal dollars coming back to us. It only takes one person to send it but it takes a hundred of them to get it back and then that hundred needs a hundred more so they can all become supervisors and then we have Parkinson's Law working good."

Senator Sandison: "You are one hundred percent right. Senator."

Senator Rasmussen: "Thank you."

Further debate ensued.

POINT OF INQUIRY

Senator Stortini: "Mr. President, I rise not with a heavy heart but a very sore

throat. First, Senator Newschwander, would you yield to a question? I understand in the bill before us we are drawing a line of responsibility based on the function of secondary and post-secondary education for both the Superintendent of Public Instruction and, of course, the State Board for Community College Education, with the idea that the SPI office would have that from K through 12 and the Community College system would then have the post-secondary system. Is that not correct?"

Senator Newschwander: "That is correct."

Senator Stortini: "Then, Senator, I turn to section 7. Was it intended that the same jurisdictional responsibility be utilized as far as community schools and community service programs are concerned?"

Senator Newschwander: "As the committee well knows, we discussed this community school again for some time, had many suggestions. Our intent in this bill that the community schools will remain under the SPI's office. I called them, when I went to night school, but they shall continue as long as they are noncredit and not put on at state expense."

Senator Stortini: "Thank you, Senator Newschwander."

Further debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2463, and the bill passed the Senate by the following vote: Yeas, 37; nays 11; absent or not voting, 1.

Voting yea: Senators Bailey, Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Goltz, Gould, Guess, Jolly, Jones, Keefe, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, Wanamaker, Washington, Wilson, Woody—37.

Voting nay: Senators Beck, Bottiger, Grant, Henry, Herr, Knoblauch, McDermott, Rasmussen, Ridder, von Reichbauer, Walgren—11.

Absent or not voting: Senator Francis—1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2463, having received the 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 Mardesich, Engrossed Substitute Senate Bill No. 2463 was ordered immediately transmitted to the House.

PRESIDENT'S PRIVILEGE

The President: "Senator Keefe, ladies and gentlemen, by virtue of the authority vested in the members of the Washington State Senate and its President, it is our great pleasure and privilege to present to you this picture. 'Senator Keefe, number one leader, pointing the way.'"

MOTION

At 1:20 p.m., on motion of Senator Mardesich, the Senate adjourned until 10:15 a.m., Thursday, March 20, 1975.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

SEVENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, March 20, 1975.

The Senate was called to order at 10:15 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senator Cunningham. On motion of Senator Lewis (R. H. "Bob"), Senator Cunningham was excused.

The Color Guard consisting of Pages Ruth Pettit and Jerry Torner presented the Colors. Reverend Arthur I. Anderson, pastor of Gloria Dei Lutheran Church of Olympia, offered the following prayer:

"OUR FATHER GOD, IN AN AGE WHEN THE ANXIETY OF EMPTINESS AND MEANINGLESSNESS SEEMS TO BE ENVELOPING SOCIETY LIKE A SMOG, GIVE US EYES WIDE OPEN TO YOUR MERCIES WHICH ARE NEW EVERY MORNING AND WHICH SURROUND US ON EVERY HAND. TRULY OUR CUP RUNS OVER WITH THE BOUNTY OF GOD—OUR LIVES, OUR LIBERTIES, AND OUR LOVED ONES: OUR GOODLY HERITAGE OF A GOOD LAND AND OUR SPIRITUAL HERITAGE: OUR VISIONS AND TASKS AND PROSPECTS WHICH ARE AS BRIGHT AS YOUR PROMISES. FOR ALL THIS AND MUCH MORE, WE WOULD NOW HUMBL Y GIVE THANKS AND TAKE COURAGE AND CARRY ON. DELIVER US FROM BOTH CRIPPLING DESPAIR AND UNREALISTIC OPTIMISM. GIVE US A SENSE OF RIGHT DIRECTION AND THE PERSEVERANCE TO COMPLETE EVERY GOOD WORK ONCE BEGUN. O MASTER OF ALL GOOD WORKMEN, SET OUR SENATORS TO WORK ANEW WITH SINGING HEARTS. IN YOUR NAME WE PRAY. AMEN."

MOTION

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

REPORT OF STANDING COMMITTEE

March 19, 1975.

SENATE BILL NO. 2194, providing for temporary appointments to fill vacancies in the office of United States senator (reported by Committee on Constitution and Elections):

MAJORITY recommendation: Do pass.

Signed by: Senators Beck, Chairman; Grant, Stortini, Washington.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE HOUSE

March 19, 1975.

Mr. President: The House has passed:

SUBSTITUTE HOUSE BILL NO. 208,

SUBSTITUTE HOUSE BILL NO. 220,

ENGROSSED HOUSE BILL NO. 338,

HOUSE BILL NO. 339,

ENGROSSED HOUSE BILL NO. 388,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 479,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 527,

ENGROSSED HOUSE BILL NO. 619, and the same are herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

March 19, 1975.

Mr. President: The House has passed: ENGROSSED SENATE BILL NO. 2215, and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

INTRODUCTION AND FIRST READING

SUBSTITUTE HOUSE BILL NO. 208, by Judiciary Committee (originally sponsored by Representatives Seeberger, McKibbin, Knowles, Smith (Rick), Becker, Sherman and Shinpoch):

Revising laws relating to rape.

MOTION

Senator Francis moved that Substitute House Bill No. 208 be referred to the Committee on Rules.

Debate ensued.

There being no objection, the motion by Senator Francis was withdrawn.

Substitute House Bill No. 208 was referred to the Judiciary Committee.

INTRODUCTION AND FIRST READING

SUBSTITUTE HOUSE BILL NO. 220, by Committee on Labor (originally sponsored by Representatives Parker, May, Gaines, Kilbury, Adams and Gaspard):

Requiring labor and industries to conduct railroad safety inspections relating to employees.

Referred to Committee on Labor.

ENGROSSED HOUSE BILL NO. 338, by Representatives Savage, Freeman and Matthews (by Department of Labor and Industries request):

Revising qualifications for apprentice electricians.

Referred to Committee on Labor.

HOUSE BILL NO. 339, by Representatives Savage, Matthews and Freeman (by Department of Labor and Industries request):

Modifying plumber apprentice requirements.

Referred to Committee on Labor.

ENGROSSED HOUSE BILL NO. 388, by Representatives Deccio, Flanagan, Kilbury, Hawkins, Nelson, Whiteside, Dunlap, Bond and Eng:

Permitting the sheriff to determine the method of serving papers.

Referred to Judiciary Committee.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 479, by Judiciary Committee (originally sponsored by Representatives Parker, Eikenberry, Charette, Douthwaite, Leckenby, North and Paris):

Relating to the qualifications of jurors.

Referred to Judiciary Committee.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 527, by Committee on Transportation and Utilities (originally sponsored by Representatives Smith (Rick), Fortson, Becker, Sommers, Gaspard, Hawkins, North, Wilson, Berentson, Chandler, Charnley, Dunlap, Hansey, Leckenby and Sherman):

Requiring pilots and other precautions for tankers entering Puget Sound.

Referred to Committee on Transportation and Utilities.

ENGROSSED HOUSE BILL NO. 619, by Representatives Bagnariol, Perry, Nelson, Wojahn, Moreau, Bond, Peterson, Charnley, Patterson, Clemente and Savage:
Mandating availability of materials on abuses of alcohol in public premises where sold or consumed on campuses of institutions of higher education.
Referred to Committee on Higher Education.

SIGNED BY THE PRESIDENT

The President signed:
SENATE BILL NO. 2215.

MOTIONS

On motion of Senator Mardesich, Engrossed Senate Bill No. 2731 was ordered held on the third reading calendar for Friday, March 21, 1975.

On motion of Senator Fleming, Senate Bill No. 2650 was ordered held on the second reading calendar for Friday, March 21, 1975.

SECOND READING

SENATE BILL NO. 2309, by Senator Marsh (by Department of Social and Health Services request):

Establishing concurrent jurisdiction between the United States and Washington to veterans hospitals located at Vancouver, Walla Walla, and American Lake.

The bill was read the second time by sections.

On motion of Senator Marsh the rules were suspended, Senate Bill No. 2309 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. 2309, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—48.

Excused: Senator Cunningham—1.

SENATE BILL NO. 2309, having received the 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. 2086, by Senators Marsh, Francis and Buffington:
Changing certain laws relating to the guardianship of incompetents.

MOTIONS

On motion of Senator Francis, Substitute Senate Bill No. 2086 was substituted for Senate Bill No. 2086 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Marsh, the rules were suspended, Substitute Senate Bill No. 2086 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 Bottiger: "Would Senator Marsh yield to a question? Senator Marsh, so far the discussion has turned around the estate of the person but there are also guardianships of the person itself, in those cases where an incompetent may need some help or be subject to some control as to his activities. Does this bill also provide for limited guardianships of the person of the incompetent?"

Senator Marsh: "Yes, it does, Senator Bottiger, page 3 of the bill, line 3 says, 'The superior court for each county shall have the power to appoint limited guardians for the persons and estates or either thereof of disabled persons,' so the answer is yes."

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2086, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—49.

SUBSTITUTE SENATE BILL NO. 2086, having received the 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 Lewis (Harry): "Mr. President and members of the Senate, I had circulated on your desks a copy of an article that appeared in the paper this morning to make sure that you had an opportunity to read it. While I recognize that the columnist was opposing the idea of capital punishment, his comparison of those who might support such an idea and the innuendo cast perhaps may raise some questions about whether a Senator might possibly end with some appropriations moneys in his pocket. If Mr. Anderson was doing more than just applying imagination in comparison to the capital punishment issue, I would hope that he would advise us down here and that perhaps the Judiciary Committee could take a look or the Ethics Committee or whatever might be necessary, but I wanted to be sure that all members of the Senate saw this article which was passed around on your desks."

PERSONAL PRIVILEGE

Senator Francis: "Mr. President and members of the Senate, I am rising with regard to the same article that Senator Lewis was talking about, and I have read Rick Anderson's column for a long time and I am very disappointed because I think that this article states some things, or asserts some things, or insinuates some things that are going to greatly hurt his credibility. I have thought in the past that Mr. Anderson was very, very effective. I thought that when he did straight reporting he was as good as anyone in the profession and by straight reporting sometimes demonstrated the absolute ridiculousness, for instance, of some law enforcement approaches to massage parlors, for example, and some other of the ridiculous things that our society does, but he did it by straight reporting the facts in detail and in precise chronological way, and it was extremely effective. To turn to this general fad, and it is a very disappointing and childish fad, I think, to always flog the legislature, to always make up every possible kind of conjectural immoral behavior on the part of the legislature, which seems to be some sort of organic body in the writings of these people, just reduces Mr. Anderson to the level of so many other persons who treat the legislature in the same way; and this fad, of course, has been going on for as long as I have been here. I guess it probably will never end, that if we cannot think of anything else to say we say something nasty about the legislature without regard to the slightest possibility as to whether or not it may be true or related to any fact, either historical or otherwise."

PERSONAL PRIVILEGE

Senator Peterson: "Mr. President and members of the Senate, in light of Senator Lewis's and Senator Francis's remarks, I think that perhaps maybe the PI editor and Mike Layton and Shelby Scates should take notice and maybe get a message."

MOTION

On motion of Senator Guess, Senate Bill No. 2461 was ordered held on the second reading calendar for Friday, March 21, 1975.

SECOND READING

SENATE BILL NO. 2117, by Senators Walgren, Beck and Guess (by Department of Highways request):

Providing for the execution of conveyances by the director of the department of highways.

The bill was read the second time by sections.

Senator Wilson moved adoption of the following amendment:

On page 1, line 25, after "so" and before the period insert ": *PROVIDED, That whenever the commission finds that it is in the public interest to sell such property to an abutting private owner and there are two or more abutting owners, the commission shall sell the same only by public auction unless every abutting owner but one signs a statement signifying he does not intend to bid on or purchase such property*"

POINT OF INQUIRY

Senator Bailey: "Would Senator Wilson yield? Senator Wilson, I judge you are dealing mainly with highway rights of way that have been abandoned? I suppose there are some occasionally lost or something like that, but on a highway right of way that is abandoned, why shouldn't they pursue a practice followed in abandoning a street or an alley in a plotted area where they would give some consideration, rather than writing this into law, some consideration to giving the two abutting property owners the right to get together and agree upon the division of that? You abandon a street or an alley, the abutting property owner gets to the middle of that street or alley on both sides of the street where in this case, it would seem to me I recently had a case like this before the commission and there were two different property owners on each side. The land was taken away from one years ago but since then they had sold to separate ownerships. Now it would seem more just if they had not written this into the law and that they could negotiate, rather than putting it up at an auction, put the two property owners into a position of purchasing right to the center line."

Senator Wilson: "You are suggesting that the two abutting property owners might reach agreement with the department where each of them would acquire half of it?"

Senator Bailey: "They would have the prior right. My point, Senator Wilson, is this, that if you write it into the law the department cannot do that, even though they probably are doing it."

Senator Wilson: "Did you wish to comment on that, Senator Woody?"

Senator Woody: "I yield to the question. There is currently a statute that deals with county roads and city roads. It is a five year statute that says if a county or a city road is not open for a five year period of time, then the abutting landowners may petition the city or county to have that property disposed to them to the center of the city or county road. Years ago, as you may recall, in the city of Seattle they were charging the abutting owners for the land. There was a Supreme Court case that said you cannot do that so that they have to give it to them for free. But as I recall, there is no statute on state highways that is similar to that. That is just my recollection."

MOTIONS

On motion of Senator Wilson, Senate Bill No. 2117, together with the pending

amendment by Senator Wilson, was ordered held for further consideration on the second reading calendar for Friday, March 21, 1975.

On motion of Senator Mardesich, the following Senate bills were ordered held and placed on the second reading calendar in the following order on Friday, March 21, 1975: 2093, 2230, 2092, 2313, 2314 and 2198.

SECOND READING

SENATE BILL NO. 2616, by Senators Wilson, Newschwander and Day:
Requiring notice and a hearing before an exchange of state land.

MOTIONS

On motion of Senator Wilson, Substitute Senate Bill No. 2616 was substituted for Senate Bill No. 2616 and the substitute bill was placed on second reading and read the second time in full.

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

On page 1, line 26, after "proposal." insert "Any agreement entered into in violation of this section shall be null and void."

On page 2, line 17, after "proposal." insert "Any agreement entered into in violation of this section shall be null and void."

On page 3, line 2, after "proposal." insert "Any agreement entered into in violation of this section shall be null and void."

POINT OF INQUIRY

Senator Cunningham: "Would Senator Wilson yield to a question? Senator Wilson, I was pleased to read in Section 2 about the summary of testimony. However, you made one statement, saying that the testimony would be presented before the project or the exchange was approved. Just to clarify the intent, this is not a hearing just in futility? It can have input to the board so that they are not bound to approve?"

Senator Wilson: "No, what would happen is this meeting would be held in the local area where the public land is situated and testimony would be taken, and what I would assume would be a fair, accurate and concise testimony of the summary would be presented to the Board of Natural Resources, the State Parks Commission, or whichever group was going to make a final determination on the exchange. However, during the course of the hearing that is held in the local area, it is contemplated that those people would be made aware of when and where the board making the final determination would be holding its meeting to give final action on the proposed exchange, so that people who were still concerned about the exchange would then have every opportunity to actually appear before the board that would give final approval to the exchange and reiterate their sentiments face to face with the proper officials if they desire to do so."

Debate ensued.

POINT OF INQUIRY

Senator Lewis (Harry): "Would Senator Wilson yield to a question? Senator Wilson, I notice in line 13 on page 1 and on line 6 on page 2 and line 27 on page 2 it referred to display advertising form. It does not describe the size of the display ad. Display ads can be quite costly. I would like to propose a verbal amendment to add the words 'of reasonable size' in those three places, unless you can show me a reason why I should not, if you have any objection."

Senator Wilson: "Senator Lewis, I have no objection to that amendment. This matter was discussed thoroughly with the DNR and the State Parks Commission during the development of this bill. And it was agreed that at least a common sense approach and one in harmony with the spirit of the bill would dictate an ad of sufficient size that it would attract some attention and not be entirely overlooked. It was my thought, though, that when we started to discuss specific sizes, two column by five or three by ten or so on, that it might be just as well to let the act operate for a year. keep track of it, and see

if the departments in truth are making a good and defensible effort to bring these proposed exchanges to the attention of the public."

The motion by Senator Wilson carried and the amendments were adopted.

Senator Lewis (Harry) moved the following amendments be considered and adopted simultaneously:

On page 1, line 15, after "notice" insert "of reasonable size".

On page 2, line 6, after "notice" insert "of reasonable size".

On page 2, line 27, after "notice" insert "of reasonable size".

POINT OF INQUIRY

Senator Rasmussen: "Will Senator Lewis yield to a question? Senator Lewis, would you define a reasonable size?"

Senator Lewis (Harry): "I would describe that, Senator Rasmussen, as perhaps the considered judgment of a former mayor of the city of Tacoma would satisfy me."

Debate ensued.

The motion by Senator Lewis (Harry) carried and the amendments were adopted.

MOTIONS

On motion of Senator Knoblauch, Senator Donohue was excused.

On motion of Senator Wilson, the rules were suspended, Engrossed Substitute Senate Bill No. 2616 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

REMARKS BY SENATOR WILSON

Senator Wilson: "Mr. President and members of the Senate, I think the measure has been adequately explained and I hope there are enough votes in the chamber to pass it without mine or Senator Murray's, since this does have a distinguishable though very slight effect on newspaper revenues we feel it would be more appropriate if we did not vote on this measure. I would answer any questions if there are any more, and otherwise hope you will all do the right thing by this outstanding piece of proposed legislation."

REMARKS BY SENATOR MARDESICH

Senator Mardesich: "Mr. President, I gather that Senator Wilson was asking to be excused from this roll call and would prefer that the Senator does vote. He is a member of a class. If he is affected by newspaper rates, it is only to the same degree as other newspapers are. This bill does nothing for him specifically one way or the other as distinguished from other newspapers and to rule otherwise with respect to his request would open the door to many members attempting to avoid votes."

REMARKS BY SENATOR RASMUSSEN

Senator Rasmussen: "Mr. President, Senator Wilson was far too modest and I think he should vote on this bill because he was one of the chief sponsors and it is an excellent piece of legislation. All the departments that appeared before the committee agreed with this legislation. It would serve a very good purpose in alerting the public to when certain properties were going to be exchanged for other properties. And Senator Wilson, you should vote on your legislation which is a very good piece of legislation."

REMARKS BY SENATOR WILSON

Senator Wilson: "Mr. President, I am not asking to be excused. I recognize that what Senator Mardesich said is true but I just feel easier not voting on bills of this nature and if I am carried as absent or however I will be carried, why that is fine with me."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2616, and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 2; excused, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly,

Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Woody—46.

Absent or not voting: Senators Murray, Wilson—2.

Excused: Senator Donohue—1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2616, having received the 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 announced the presence in the Senate Chamber of the Apple Blossom Royalty from Wenatchee and appointed Senators Sellar, Morrison, Washington, Wilson, Matson and Jolly as a committee of honor to escort the guests to the Senate rostrum.

The President turned the gavel over to Senator Sellar who introduced Queen Theresa Adams and Princesses Debbie Sorrentino and Kathy MacDonald. With permission of the Senate, business was suspended to permit Queen Theresa to address the Senate.

Senator Sellar returned the gavel to President Cherberg and the guests were escorted from the Senate Chamber.

The committee was discharged.

SECOND READING

SENATE BILL NO. 2047, by Senator Day: Requiring the preservation of hospital treatment records.

The bill was read the second time by sections.

On motion of Senator Day, the following amendments were adopted:

On page 1, line 7, after "all" insert "medical".

On page 1, line 17, before "records" insert "medical".

On motion of Senator Day, the rules were suspended, Engrossed Senate Bill No. 2047 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Newschwander: "Will Senator Day yield? I have just a few qualms about this bill. What bothers me is that last paragraph: 'The Board shall by regulation define the type of records and the information requested.' I would hope that you and your committee will watch the regulations that the board of health or — will you watch the regulations that they adopt, because from past history you know what the board of health has done to nursing home regulations, hospital regulations, child care and so on and so forth? I hope it is not the intent that this is going to make it much more burdensome for hospitals to keep their records like you state."

Senator Day: "No, the intent is just the opposite and I can assure you that the committee will in fact take a real good look at the rules that are adopted."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2047, and the bill passed the Senate by the following vote: Yeas, 47; absent or not voting, 1; excused, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Fleming, Francis, Goltz, Gould, Grant, Guess, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson,

McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—47.

Absent or not voting: Senator Henry—1.

Excused: Senator Donohue—1.

ENGROSSED SENATE BILL NO. 2047, having received the 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. 2422, by Senator Rasmussen:

Extending use of special parking permits for handicapped persons.

The bill was read the second time by sections.

On motion of Senator Day, the following amendments were considered and adopted simultaneously:

On page 1, line 10, after "he" insert "*or she*", and after "his" insert "*or her*".

On page 2, line 3, after "his" insert "*or her*".

On motion of Senator Day, the rules were suspended, Engrossed Senate Bill No. 2422 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 Woody: "Would Senator Day yield? For legislative intent purposes. Senator Day, the use of the verb in the present tense of 'being used' on line 17, page 1, and 'being used' on line 6, page 2, does that mean that the vehicle must be under current use rather than permitting a person to permanently park a vehicle on the curb?"

Senator Day: "I think that what that means is at the time it is being used specifically for the transport of such a person. And I would also note that on line 29 you will see that improper use constitutes not a misdemeanor but a gross misdemeanor. In other words, if someone who was not authorized to use such a card used it to park, it is a gross misdemeanor for improper use of the card."

Senator Woody: "I am glad you pointed that out. A gross misdemeanor. Was there discussion in committee as to why to make this sort of thing a gross misdemeanor? That is up to a year . . ."

Senator Day: "Senator, this is existing statute. The only amendment to line 29 is to change it from decal to card."

Senator Woody: "I understand it is existing. We have a lot of existing laws that are not good. Was that addressed of itself in the committee?"

Senator Day: "No, it was not, because of the fact that it was existing language. I do feel though that it was felt at the time that this was enacted, and I was here at the time, that we wanted to give this special privilege to persons so handicapped but we wanted to be certain that the privilege was not abused by someone who was not authorized to use such special parking privileges, and that is the reason it was made a gross misdemeanor."

Further debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2422, and the bill passed the Senate by the following vote: Yeas, 46; nays, 2; excused, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—46.

Voting nay: Senators Pullen, Scott—2.

Excused: Senator Donohue—1.

ENGROSSED SENATE BILL NO. 2422, having received the 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 Guess, consideration of Senate Bill No. 2530 was ordered held following Senate Bill No. 2633.

SECOND READING

SENATE JOINT MEMORIAL NO. 110, by Senators Sandison, Peterson, Benitz and Morrison:

Memorializing Congress to exempt duck hunting from requirements of federal environmental policy act.

The memorial was read the second time in full.

On motion of Senator Sandison, the rules were suspended, Senate Joint Memorial No. 110 was advanced to third reading, the second reading considered the third, and the memorial was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 110, and the memorial passed the Senate by the following vote: Yeas, 46; nays, 2; excused, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—46.

Voting nay: Senators Fleming, Lewis (Harry)—2.

Excused: Senator Donohue—1.

SENATE JOINT MEMORIAL NO. 110, having received the constitutional majority, was declared passed.

SECOND READING

SENATE BILL NO. 2633, by Senators Woody and Stortini:

Directing state board of education to authorize high school credits for persons accepted into the national guard high school career training.

The bill was read the second time by sections.

POINT OF INQUIRY

Senator Mardesich: "I wonder if Senator Stortini would yield? Senator Stortini, I note on lines 11 through 14 that persons enrolled in these National Guard programs would count toward the receipt of state apportionment funds so far as the school district is concerned, provided of course that the school maintains contact with such student and evaluates his program and progress. I wonder if it is necessary that they receive the full apportionment formula or would it not be more reasonable that they receive only a part thereof?"

Senator Stortini: "Senator, first of all, a student in order to qualify for credit through the National Guard has to meet all the required courses within that curriculum, such as social studies and English, etc., whatever the state qualifications are."

Senator Mardesich: "My point is, he would be learning that outside of the school system. There would be very little expense to the school system in merely evaluating his program."

Senator Stortini: "That is the purpose for this legislation. This last year we are talking about fifteen students that would be in this category."

Senator Mardesich: "If I were a school district I would send them all off to the National Guard and sit back and draw my apportionment formula."

Senator Stortini: "I do not think that is the intent plus"

Senator Mardesich: "I know that is not the intent. I am just pointing"

Senator Stortini: "The National Guard is not able to take that many students. But yet this is the purpose. . . ."

Senator Mardesich: "What I am really asking is why it would not be more reasonable to allocate, say one quarter of the apportionment formula?"

Senator Woody: "In answer to that question, you would be set in the same position that we are right now when, for example, one of the larger school districts in the state of Washington who is going out in this on a voluntary program. What they are doing, basically, is sending only those students who are dropouts because they are going to lose that money anyway. What the National Guard is trying to do is get in some really competent type people rather than back when I joined when I was fifteen they had to teach us how to put on our uniforms one foot at a time, and they would rather get some competent high school kids in there and this is the only way to do it. I might add that there are very minimal numbers that they can take in under this program. Right now it is a volunteer program. They have been able to take in fifteen. They estimate that if they really got excited about it they might get as many as sixty or seventy."

On motion of Senator Stortini, the rules were suspended, Senate Bill No. 2633 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. 2633, and the bill passed the Senate by the following vote: Yeas, 47; absent or not voting, 1; excused, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—47.

Absent or not voting: Senator Sellar—1.

Excused: Senator Donohue—1.

SENATE BILL NO. 2633, having received the 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. 2530, by Senator Walgren:
Relating to highways.

REPORT OF STANDING COMMITTEE

March 6, 1975.

SENATE BILL NO. 2530, relating to highways (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 3 after "Section 1." strike all the material down to and including "1975." on line 4 and insert: "There is hereby appropriated from the motor vehicle fund

to the Washington state highway commission, for the biennium ending June 30, 1975, the sum of \$265,000, or so much thereof as may be necessary for the completion of the existing construction contract on the parkway connection to the Evergreen State College campus as provided in section 3, chapter 174, Laws of 1973 1st ex. sess.

"NEW SECTION. Sec. 2. There is hereby appropriated from the motor vehicle fund to the Washington state highway commission for the biennium ending June 30, 1975 the sum of \$11,500 or so much thereof as may be necessary to continue the agreement, in accordance with the provisions of RCW 47.56.720, between Wahkiakum county and the state highway commission for the operation and maintenance of the Puget Island ferry.

"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 page 1, line 1 of the title after "highways" strike the period and insert "; making supplemental appropriations; and declaring an emergency."

Signed by: Senators Walgren, Chairman; Beck, Benitz, Bluechel, Bottiger, Guess, Jolly, Lewis (R. H. "Bob"), Morrison, Peterson, Wanamaker.

The bill was read the second time by sections.

Senator Walgren moved adoption of the committee amendment.

Senator Guess moved adoption of the following amendment to the committee amendment:

Following section 2, of the committee amendment to page 1, line 3, insert the following:

NEW SECTION. Sec. 3. There is hereby appropriated from the motor vehicle fund to the Washington State highway commission for the biennium ending June 30, 1975 the sum of \$103,000 or so much thereof as be necessary for the purpose of constructing an off-ramp from highway 1-90 to Lindeke Street in order to serve Spokane Falls Community College."

Renumber the remaining section consecutively.

Debate ensued.

There being no objection, the amendment by Senator Guess to the committee amendment was withdrawn.

POINT OF INQUIRY

Senator Rasmussen: "Would Senator Walgren yield to a question? Senator Walgren, this was one of those bills that had a lot in it when it started out. It does not have much in it now. What I am wondering is, and you give a partial explanation, why is it so important that we complete this road out to Evergreen College? They tell me that that is very sparsely used, that they are mostly hikers out there and mountain climbers and they do not really use automobiles very much and they are very much opposed to it from the environmental standpoint. But there is a very important issue that you have not put in this bill when you filled in after the title. That is the Tacoma spur which one hundred and fifty thousand cars a day use. They have to use it as a matter of commerce in and out of the town and I would think that something should be in there in regard to that. I did have too short a notice in order to prepare an amendment like Senator Guess, but I would think it is something that should be given consideration. Could you tell us anything about that and why it was overlooked?"

Senator Walgren: "Senator Rasmussen, first let me assure you that this was not a lengthy bill when it started out. It was a title only bill and we, as I indicated, put in two sections here that we felt were emergent situations as far as obligations that are now pending. The Evergreen Parkway, we have a contract in process at the present time. If we do not make this appropriation, that contractor will stop work; the project will be about half finished; it will constitute a safety problem for the highway out there; we will have the problem of starting up the contract again when appropriations are made during the regular biennium. Thirdly, I agree with you with regard to those other projects that you mentioned. Those are very meritorious and as a matter of fact, if I was making a determination as to what should be built and which project should be commenced, I can

think of no better project than that Tacoma spur and I can think of no better project than that SR 16 project running from Tacoma to Bremerton, and let me assure you that during the appropriation process that we will be going through here very shortly, both of these projects will be getting very careful consideration."

Senator Rasmussen: "Thank you, Senator."

POINT OF INQUIRY

Senator Morrison: "Would Senator Walgren yield to a question please? Senator Walgren, in discussing this in your Transportation Committee, we found that particularly in the case of the Puget Island Ferry which we are subsidizing and have for a number of years and I can understand the reasons why, part of the main traffic on that particular ferry is to an aluminum mill that operates in Oregon and that while these are Washington citizens, of course, that are working there, Oregon is collecting income tax on their incomes and they are undoubtedly buying their groceries while they are over there. Also, I presume that this ferry travels both ways and find that Oregon in no way participates in this. I guess the question is this: Is there any way as we proceed to continue to subsidize this ferry through the years that we could force Wahkiakum County to consideration of raising the fares? They have not been raised for a number of years. And also to encourage them to proceed with negotiations with the state of Oregon on sharing some portion of the cost?"

Senator Walgren: "Senator Morrison, I think this is a very good idea and you are correct, this was under discussion in the committee and I know that Senator Peterson, as the subcommittee chairman of toll facilities, has given consideration to this too. I think that one of the items that will appear in the study bill that traditionally comes through the legislature relating to highway matters will include a section therein requesting investigation into the question as to having contributions from the state of Oregon or from the particular county that might be involved down in Oregon. I think we should pursue that and we should insure that that does appear in the study bill."

Senator Morrison: "Thank you."

Debate ensued.

MOTIONS

On motion of Senator Knoblauch, Senator Stortini was excused.

Senator Lewis (Harry) moved that Senate Bill No. 2530, together with the pending committee amendment, be held for further consideration on Friday, March 21, 1975.

POINT OF INQUIRY

Senator Walgren: "I would just like to ask Senator Lewis what the reason for the holding of the bill is."

Senator Lewis (Harry): "There have been some questions from some of the newer members of the Senate and I just did not want to have them voting without being sure what they are voting on, Senator. As a courtesy to them I asked that it be held over."

Senator Walgren: "I would be happy to answer any questions that any of the newer members might have with regard to the measure and handle it that way."

Debate ensued.

There being no objection, the motion by Senator Lewis (Harry) to hold Senate Bill No. 2530 for further consideration on Friday, March 21, 1975 was withdrawn.

The motion by Senator Walgren carried and the committee amendment was adopted.

On motion of Senator Walgren, the committee amendment to the title was adopted.

On motion of Senator Walgren the rules were suspended, Engrossed Senate Bill No. 2530 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. 2530, and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—47.

Voting nay: Senator Scott—1.

Excused: Senator Stortini—1.

ENGROSSED SENATE BILL NO. 2530, having received the 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 Rasmussen: "About two days ago, three days ago, I gave a page an old school composition book with a green cover that was sent to be by a lady from Tacoma and contained newspaper clippings about the city of Tacoma. Inadvertently the page must have taken it to some other office and if any of the Senators see an old green composition book, would they please forward it to my office? I am rather embarrassed by it. I was just going to have it copied until I had time to read it and now I have lost it."

MOTION

At 12:17 p.m., on motion of Senator Mardesich, the Senate adjourned until 10:15 a.m., Friday, March 21, 1975.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

EIGHTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, March 21, 1975.

The Senate was called to order at 10:15 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Odegaard, Ridder and Walgren.

On motion of Senator Knoblauch, Senator Walgren was excused. There being no objection, Senators Odegaard and Ridder were excused.

The Color Guard, consisting of Pages Alana Koetje and Lonny Taylor, presented the Colors. Reverend Arthur I. Anderson, pastor of Gloria Dei Lutheran Church of Olympia, offered the following prayer:

"WINTER IS PAST, SWEET SPRING IS COME AT LAST, IS COME AT LAST. SING, CREATURES SING, ANGELS AND MEN AND BIRDS, AND EVERYTHING. HOW GREAT THOU ART O GOD, WHO CANST DRAW FLOWERS OUT OF BARREN WINTER TREES AND CANST EVEN DRAW TWO ANGRY PEOPLE TOGETHER AND MAKE THEM ONE — THROUGH FORGIVENESS. HOW GREAT THOU ART: DROP THY STILL DEWS OF QUIETNESS, 'TIL ALL OUR STRIVINGS CEASE: TAKE FROM OUR SOULS THE STRAIN AND STRESS AND LET OUR ORDERED LIVES CONFESS THE BEAUTY OF THY PEACE. YES, OUR FATHER, ON THIS FIRST DAY OF SPRING, GRANT US THY PEACE. THE PEACE THAT COMES WHEN WE HAVE SPOKEN THE TRUTH IN LOVE; THE PEACE THAT COMES WHEN WE HAVE GIVEN HONEST WORK; THE PEACE THAT COMES AFTER RIGHT DECISIONS ARE MADE; THE PEACE OF GOD THAT PASSES ALL UNDERSTANDING, THROUGH JESUS CHRIST OUR LORD. AMEN."

MOTION

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

REPORTS OF STANDING COMMITTEES

March 19, 1975.

SENATE BILL NO. 2253, specifying the number and qualifications of the state board of examiners for nursing home administrators (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; Buffington, Cunningham, Francis, Goltz, Gould, McDermott, Pullen, Ridder, Van Hollebeke.

Passed to Committee on Rules for second reading.

March 19, 1975.

SENATE BILL NO. 2517, relating to higher education (reported by Committee on Higher Education):

MAJORITY recommendation: That Substitute Senate Bill No. 2517 be substituted therefor and the substitute bill do pass and be referred to the Committee on Ways and Means.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Odegaard.

Referred to Committee on Ways and Means.

March 20, 1975.

SENATE BILL NO. 2663, permitting conditional licensing of alien physicians for

work in county or city health departments (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; Buffington, Francis, Gould, McDermott, North, Ridder.

Passed to Committee on Rules for second reading.

March 20, 1975.

SENATE BILL NO. 2718, requiring continuing education for licensed insurance brokers (reported by Committee on Financial Institutions):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Woody, Chairman; Bluechel, Clarke, Jones.

Passed to Committee on Rules for second reading.

March 20, 1975.

ENGROSSED HOUSE BILL NO. 156, authorizing a compact among Washington, Oregon and Idaho relating to fish in the waters of the Columbia and Snake rivers (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass.

Signed by: Senators Beck, Bluechel, Grant, Lewis (Harry), Pullen, Sandison.

MINORITY recommendation: Do not pass.

Signed by: Senators Peterson, Chairman; Rasmussen, Talley.

Passed to Committee on Rules for second reading.

March 19, 1975.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 184, allowing higher education fee exemptions for residents fifty-five years of age or over at discretion of individual boards of trustees and regents (reported by Committee on Higher Education):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Guess, Odegaard.

Passed to Committee on Rules for second reading.

INTRODUCTION AND FIRST READING

SENATE BILL NO. 2900, by Senator Pullen:

An Act relating to political parties; amending section 29.01.090, chapter 9, Laws of 1965 and RCW 29.01.090; amending section 29.30.030, chapter 9, Laws of 1965 and RCW 29.30.030; and amending section 29.30.080, chapter 9, Laws of 1965 as last amended by section 1, chapter 18, Laws of 1971 and RCW 29.30.080.

Referred to Committee on Constitution and Elections.

SENATE BILL NO. 2901, by Senator Keefe:

An Act relating to the establishment and operation of a state lottery; creating a new chapter in Title 67 RCW; adding a new section to chapter 218, Laws of 1973 1st ex. sess. and to chapter 9.46 RCW; creating new sections; prescribing penalties; and making an appropriation.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2902, by Senators Rasmussen, Murray, Woody, Talley, Lewis (Harry), Ridder and Walgren:

An Act relating to private salmon hatcheries; adding a new chapter to Title 75 RCW; and making an appropriation.

Referred to Committee on Natural Resources.

MOTION

On motion of Senator Rasmussen, the rules were suspended and additional sponsors were permitted on Senate Bill No. 2902.

SENATE BILL NO. 2903, by Senators Woody and Van Hollebeke:

An Act relating to tax preparers; adding a new chapter to Title 18 RCW; defining crimes; prescribing penalties; and prescribing an effective date.

Referred to Committee on Commerce.

SENATE BILL NO. 2904, by Senators Goltz, Wanamaker and Jolly:

An Act relating to dairy products; amending section 15.44.020, chapter 11, Laws of 1961 as amended by section 2, chapter 44, Laws of 1965 ex. sess. and RCW 15.44.020; amending section 15.44.030, chapter 11, Laws of 1961 as amended by section 4, chapter 44, Laws of 1965 ex. sess. and RCW 15.44.030; amending section 15.44.032, chapter 11, Laws of 1961 as amended by section 5, chapter 44, Laws of 1965 ex. sess. and RCW 15.44.032; amending section 15.44.090, chapter 11, Laws of 1961 and RCW 15.44.090; adding new sections to chapter 15.44 RCW; and repealing section 15.44.025, chapter 11, Laws of 1961, section 3, chapter 44, Laws of 1965 ex. sess. and RCW 15.44.025.

Referred to Committee on Agriculture.

THIRD READING

ENGROSSED SENATE BILL NO. 2731, by Senators Lewis (Harry) and Peterson:

Providing for training in trapping before license is issued.

MOTIONS

On motion of Senator Marsh, the rules were suspended and Engrossed Senate Bill No. 2731 was returned to second reading.

Senator Marsh moved adoption of the following amendment:

On page 1, line 11, following "techniques" and before the period insert: ": PROVIDED, HOWEVER, That in lieu of requiring the completion of a course of instruction in humane, safe and proper trapping techniques a trapping license shall be issued to any person who shall pass an examination given by the commission which establishes that such applicant has the requisite knowledge concerning humane, safe and proper trapping techniques"

POINT OF INQUIRY

Senator Francis: "Would Senator Marsh yield? Senator Marsh, you said 'safe, sane, and humane.' Is the word 'sane' in the amendment?"

Senator Marsh: "No, the amendment reads, 'humane, safe, and proper trapping techniques.'"

Senator Francis: "Thank you very much."

The motion by Senator Marsh carried and the amendment was adopted.

On motion of Senator Lewis (Harry), the rules were suspended, Reengrossed Senate Bill No. 2731, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Bottiger: "Would Senator Lewis yield to a question? Senator Lewis, after our discussion yesterday about what happens to the person simply trying to protect his own livestock by trapping, shall we say invaders, on his property, I was visited by a representative of the Game Department who found a statute that answered my question and I wanted to put that in the record. Would I as a rancher be violating any statute if I put out traps to catch animals that were attacking my livestock?"

Senator Lewis (Harry): "Senator Bottiger, the answer to that question is no, and I refer you to the reference 77.16.230 which deals precisely with that situation and handles it to your satisfaction."

ROLL CALL

The Secretary called the roll on the final passage of Reengrossed Senate Bill No. 2731, and the bill passed the Senate by the following vote: Yeas, 28; nays, 18; absent or not voting, 1; excused, 2.

Voting yea: Senators Bailey, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Francis, Goltz, Gould, Guess, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Marsh, Murray, North, Peterson, Pullen, Rasmussen, Scott, Sellar, Stortini, Talley, Washington—28.

Voting nay: Senators Bailey, Donohue, Fleming, Grant, Henry, Herr, Mardesich, Matson, McDermott, Morrison, Newschwander, Ridder, Sandison, Van Hollebeke, von Reichbauer, Wanamaker, Wilson, Woody—18.

Absent or not voting: Senator Benitz—1.

Excused: Senators Odegaard, Walgren—2.

REENGROSSED SENATE BILL NO. 2731, having received the 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 Bailey, Senate Bill No. 2650 was ordered to hold its place on the second reading calendar for Tuesday, March 25, 1975.

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

SECOND READING

SENATE BILL NO. 2461, by Senators Guess, Benitz, and Wilson (by Executive request):

Revising law on withdrawal of public ground water.

REPORT OF STANDING COMMITTEE

February 21, 1975.

SENATE BILL NO. 2461, revising law on withdrawal of public ground water (reported by Committee on Ecology):

Recommendation: Do pass with the following amendment:

On page 1, line 14, after "granted by" and before "as herein" strike "him" and insert "[him] *the department*",

Signed by: Senators Washington, Chairman; Donohue, Goltz, Guess, Murray, North, Sandison.

The bill was read the second time by sections.

On motion of Senator Washington, the committee amendment was adopted.

Senator Woody moved adoption of the following amendments:

On page 1, line 18, after "exceeding" strike "five" and insert "twenty"

On page 1, line 19, after "exceeding" strike "five" and insert "twenty"

Debate ensued.

POINT OF INQUIRY

Senator Benitz: "Would Senator Woody yield to a question? Does this change the existing registration of which the many thousands have registered now under the five thousand gallons a day? Does it automatically raise those to the twenty thousand gallons a day with your amendment?"

Senator Woody: "No, it does not because that registration is under RCW 90.14.041. That merely says that they have to file the claims within a particular period of time. It does not say how much water that claim would be for. I have another amendment that deals with that."

Senator Benitz: "Thank you, Senator Woody. That to me is the biggest problem with this. Those that have tried to live within the law and registered their well under the

five thousand gallon now find themselves, if we pass this, at extreme disadvantage. They are really being penalized for trying to be law abiding citizens, and I think if we are going to make the correction I would like to see it up as high as we think is right, based on Senator Washington's words, but I do not think it is fair to do this for those that have not complied."

Further debate ensued.

PARLIAMENTARY INQUIRY

Senator Clarke: "I have an amendment up here which would change the five to twenty west of the Cascade Range. If this amendment loses, I assume I will still be in order for that amendment?"

REPLY BY THE PRESIDENT

The President: "Yes, Senator."

POINT OF INQUIRY

Senator Rasmussen: "Would Senator Murray yield to a question? Senator Murray, you indicated that the reason for this was that they wanted to know how much water you were taking. If I had a fifty thousand gallon per hour pump and I only run it for one hour I would take only fifty thousand gallons out of the well. If I run it for twenty-four hours it would be considerably more, wouldn't it?"

Senator Murray: "Your mathematics is correct, yes."

Senator Rasmussen: "I just wondered how you arrived at the fact that they could tell how much water you took out of the well. They could tell you what the capacity of your well was if you run it for twenty-four hours but they would not be able to tell directly how much water you took out of the well."

Senator Murray: "My understanding is you apply for a permit for the amount of water you want if it is in excess of five thousand gallons a day on a daily basis."

Senator Rasmussen: "And I just did want to point out that I do not know how much water Senator Murray uses but the water that they use on Queen Anne Hill we are very directly concerned with because the Cedar River sometimes gets so low that they tell the fish not to drink as they go upstream to spawn. And it is a very vital concern of us that are concerned with our fisheries resources. And I am inclined to support the Woody amendment. I hate to see Senator Donohue be illegal when he is sprinkling his lawn and it sounds to me like it would be a good amendment and I am very sorry that Senator Washington does not know what it is all about. But Senator Donohue will talk to you privately. It will take too much time here."

Further debate ensued.

POINT OF INQUIRY

Senator Mardesich: "Mr. President, I wonder if Senator Washington, who seems to be somewhat familiar with the measure, or Senator Bottiger, who also seems to be somewhat familiar, would help me out a little in the reading of this measure. I look to the beginning of the language on line 9, page 1. What this bill provides, starting there, is 'that there shall be no withdrawal begun', and down on to 'unless there be a permit granted,' and then they list the exceptions beginning on line 14. On line 14 it says, 'except however that any withdrawal of public waters for stock watering purposes or for the watering of a lawn—that is conjunctive—or of a noncommercial garden not exceeding one-half acre or for single or a group domestic uses in an amount not exceeding five thousand gallons a day or for an industrial purpose in an amount not exceeding five thousand gallons a day.' It seems to me as I read that that there is no restriction for public use of those public waters under this exception for stock watering purposes or for the watering of a lawn or for a noncommercial garden not exceeding one-half acre in size, and if the five thousand gallons limitation applies to single or domestic uses or to an industrial use, and I am completely lost by the amendment; and then I become even more befuddled when I read on and look to section 2 and all this says—apparently it is trying to legalize someone along the line. Section 2 says 'All withdrawals of public ground water between July 1974 and the effective date of this act which are within the

exemption shall in effect be legal.' Now if they are within the exemption, why should there be the necessity of legalizing them? Anyone respond to that? We are arguing about a lawn and as I read it there is no limitation. We are arguing about stock; there is no limitation. I am wondering now why the bill is even here. Mr. President, somewhat out of order, I move this measure be set over until Monday or perhaps Tuesday, Tuesday morning's calendar."

The President: "The President will put your motion in just a moment, Senator. Senator Guess?"

Senator Guess: "I would like to answer Senator Mardesich. The problem arose and the reason that I signed on it was because of the fact that those people who failed to file by July 1, 1974 were precluded from filing, although they might have been water users as in one instance in my district, Senator Mardesich, since 1921. And I think that that was what I had hopefully—that where Section 2, 'All withdrawals of public waters between July 1, 1974, and the effective date of this act which are within the exemption of .050'—that is the yard—and not subject to a claim filed with the Department of Ecology prior to July 1 shall have a right to withdraw ground waters with a priority date of the first withdrawal on or after July 1, 1974.'"

Senator Mardesich: "Then perhaps Senator Guess would yield again. I gather that the priority is running from lines 24 through 30 and so on, would run to the exemptions then?"

Senator Guess: "Yes, sir."

Senator Mardesich: "You mean then it becomes a question of whether you even have a right to use the five thousand for watering of cattle simply because someone else has a prior right to water their lawn?"

Senator Guess: "Senator, this is not—well, maybe you had better set it over then."

Senator Mardesich: "I repeat my motion."

MOTIONS

On motion of Senator Mardesich, Senate Bill No. 2461, as amended, together with the amendments moved for adoption by Senator Woody, was ordered held for further consideration on Tuesday, March 25, 1975.

On motion of Senator Walgren, Senate Bill No. 2117, together with the pending amendment moved for adoption by Senator Wilson on March 20, 1975, was ordered held for further consideration on Monday, March 24, 1975.

At 11:09 a.m., on motion of Senator Mardesich, 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.

AFTERNOON SESSION

The President called the Senate to order at 1:05 p.m.

MOTION

At 1:10 p.m., on motion of Senator Mardesich, the Senate adjourned until 11:00 a.m., Monday, March 24, 1975.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

ELEVENTH DAY**MORNING SESSION**

Senate Chamber, Olympia, Monday, March 24, 1975.

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 Bottiger, Francis, Lewis (Harry), Newschwander, Rasmussen and Scott. On motion of Senator Knoblauch, Senators Francis and Rasmussen were excused. On motion of Senator Lewis (R. H. "Bob"), Senator Newschwander was excused.

The Color Guard, consisting of Pages Jana Boone and Brad Booker, presented the Colors. Father William Treacy, pastor of St. Michael's Church of Olympia, offered the following prayer:

"ALMIGHTY GOD OUR FATHER, WE BEGIN THIS WEEK WHICH MILLIONS CALL 'HOLY WEEK'. WE ARE ABOUT TO CELEBRATE TWO GREAT FEASTS—THAT OF PASSOVER AND EASTER. THEY SPEAK TO US OF YOUR COMPASSION FOR THE POOR AND THE SUFFERING. MORE THAN AT ANY PERIOD IN HUMAN HISTORY WE ARE AWARE OF THE SUFFERINGS OF OTHER MEMBERS OF THE HUMAN FAMILY, OF THE THOUSANDS OF REFUGEES IN VIET NAM AND CAMBODIA, DROWNING, STARVING, HUNGRY. WE ARE CONCERNED ABOUT THE FAILURE TO FIND PECE IN THE MIDDLE EAST, WITH UNEMPLOYMENT AND HUNGER IN OUR OWN COUNTRY, WITH CRIME AND VIOLENCE IN OUR SOCIETY, AND WE FEEL HELPLESS AND DISCOURAGED UNTIL WE RECALL THE MESSAGE OF THESE GREAT FEASTS. AND SO WE TURN TO YOU TODAY TO PLAD FOR DELIVERANCE FOR OURSELVES AND FOR OTHERS FROM THE MODERN DAY PHARAOS OF WAR, HUNGER AND UNEMPLOYMENT BECAUSE WE BELIEVE THAT YOU ARE THE SAME GOD WH IN COMPASSION SENT MOSES TO DELIVER THE PEOPLE OF ISRAEL FROM ANCIENT BODAGE IN EGYPT AND THAT YOU ARE COMPASSIONATE FOR THE PEOPLE OF ALL TIMES AND ALL PLACES. AMEN."

MOTION

On motion of Senator Mardesich, the reading of the journal was dispensed with and it was approved.

REPORTS OF STANDING COMMITTEES

February 17, 1975.

SENATE BILL NO. 2375, exempting solar heating equipment in homes from sales and use taxes (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass.

Signed by: Senators Walgren, Chairman; Henry, Vice Chairman; Beck, Bluechel, Bottiger, Guess, Jolly, Lewis (R. H. "Bob"), Wanamaker.

Passed to Committee on Rules for second reading.

March 21, 1975.

SENATE BILL NO. 2670, revising liquor license requirements for common carriers (reported by Committee on State Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Rasmussen, Chairman; Buffington, Cunningham, Day, Knoblauch, Wanamaker.

Passed to Committee on Rules for second reading.

March 24, 1975.

HOUSE JOINT MEMORIAL NO. 2, requesting the federal government return to the states at least fifty percent of increased revenues from new energy conservation (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass.

Signed by: Senators Walgren, Chairman; Henry, Vice Chairman; Beck, Bluechel, Bottiger, Guess, Jolly, Lewis (R. H. "Bob"), Wanamaker.

Passed to Committee on Rules for second reading.

March 24, 1975.

HOUSE JOINT MEMORIAL NO. 4, memorializing the President and the Governors of the several western states to meet in conference at Olympia for the purpose of seeking remedies for the problem of natural gas supplies (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass.

Signed by: Senators Walgren, Chairman; Henry, Vice Chairman; Beck, Bluechel, Bottiger, Guess, Jolly, Lewis (R. H. "Bob"), Wanamaker.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE GOVERNOR

Office of the Governor, March 21, 1975.

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

LADIES AND GENTLEMEN:

I have the honor to advise that on March 21, 1975, Governor Evans approved the following Senate Bills, entitled:

SENATE BILL NO. 2049: Providing for controls of election results for state board of education and for resolving tie when same results following school election for board.

SENATE BILL NO. 2081: Authorizing municipalities to purchase products and/or services from sheltered workshops.

SENATE BILL NO. 2128: Requiring telephone companies to provide means for making free emergency calls from coin operated telephones.

Sincerely,
CHI-DOOH LI
Legal Counsel.

MESSAGES FROM THE HOUSE

March 21, 1975.

Mr. President: The House has passed:

SUBSTITUTE HOUSE BILL NO. 239,

ENGROSSED HOUSE BILL NO. 346,

ENGROSSED HOUSE BILL NO. 861, and the same are herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

March 21, 1975.

Mr. President: The Speaker has signed: SENATE BILL NO. 2215, and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

INTRODUCTION AND FIRST READING

SENATE BILL NO. 2905, by Senators Beck, Grant and von Reichbauer:

An Act relating to elections; and adding a new section to chapter 29.34 RCW.
Referred to Committee on Constitution and Elections.

SENATE BILL NO. 2906, by Senator Wilson:

An Act relating to justices of the peace; and amending section 10, chapter 299, Laws of 1961 as last amended by section 1, chapter 14, Laws of 1973 1st ex. sess. and RCW 3.34.010.

Referred to Judiciary Committee.

SENATE BILL NO. 2907, by Senator Ridder:

An Act relating to labor regulations; and adding a new chapter to Title 49 RCW.

Referred to Committee on Labor.

SENATE BILL NO. 2908, by Senator Washington:

An Act relating to transportation: authorizing state and local governments to provide for intermodal transportation centers; and adding a new chapter to Title 81 RCW.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 2909, by Senators Bottiger and Walgren:

An Act relating to driver's license fees; and amending section 4, chapter 25, Laws of 1965 as last amended by section 2, chapter 91, Laws of 1971 ex. sess. and RCW 46.68.041.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 2910, by Senators Bottiger and Walgren:

An Act relating to fees for vehicle license applications; and amending section 46.08.100, chapter 12, Laws of 1961 as last amended by section 1, chapter 103, Laws of 1973 and RCW 46.01.140.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 2911, by Senators Scott and Murray:

An Act relating to controlled substances; amending section 69.50.401, chapter 308, Laws of 1971 ex. sess. as amended by section 1, chapter 2, Laws of 1973 2nd ex. sess. and RCW 69.50.401; creating a new section; and prescribing penalties.

MOTION

On motion of Senator Mardesich, Senate Bill No. 2911 was referred to the Committee on Social and Health Services.

SENATE BILL NO. 2912, by Senators Peterson, Lewis (Harry) and Bluechel (by Department of Fisheries request):

An Act relating to administration and enforcement duties of the department of fisheries; amending section 3, chapter 112, Laws of 1949 and RCW 75.08.012; and amending section 75.08.020, chapter 12, Laws of 1955 and 75.08.020.

Referred to Committee on Natural Resources.

SENATE BILL NO. 2913, by Senators McDermott, Day and Ridder:

An Act relating to physician's assistants; amending section 1, chapter 30, Laws of 1971 ex. sess. and RCW 18.71A.010; and amending section 4, chapter 30, Laws of 1971 ex. sess. and RCW 18.71A.040.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2914, by Senator Guess:

An Act relating to plumbing; and amending section 1, chapter 175, Laws of 1973 1st ex. sess. and RCW 18.106.010.

Referred to Committee on Commerce.

SUBSTITUTE HOUSE BILL NO. 239, by Committee on Financial Institutions (originally sponsored by Representatives Ehlers, King, Thompson, Shinpoch, Gaspard, Zimmerman, Bender, Clemente, Conner, Moon, Brown, Moreau, Wojahn, McCormick, Sherman, Williams, Erickson, Boldt, Hawkins, Bagnariol, Smith (Rick), Bauer, Savage, Haley, Charnley, Gaines, Hendricks and Laughlin):

Protecting employee's insurance benefits.

Referred to Committee on Financial Institutions.

ENGROSSED HOUSE BILL NO. 346, by Representatives Bagnariol, Erickson and Randall (by Department of Revenue request):

Pertaining to sales and use taxes.

Referred to Committee on Ways and Means.

ENGROSSED HOUSE BILL NO. 861, by Representatives Bagnariol and Shinpoch:

Relating to appropriations.

Referred to Committee on Ways and Means.

SECOND READING

SENATE BILL NO. 2117, by Senators Walgren, Beck and Guess (by Department of Highways request):

Providing for the execution of conveyances by the director of the department of highways.

The Senate resumed consideration of Senate Bill No. 2117 and the following amendment moved for adoption on March 20, 1975 by Senator Wilson:

On page 1, line 25, after "so" and before the period insert " : *PROVIDED, That whenever the commission finds that it is in the public interest to sell such property to an abutting private owner and there are two or more abutting owners, the commission shall sell the same only by public auction unless every abutting owner but one signs a statement signifying he does not intend to bid on or purchase such property*"

The motion by Senator Wilson carried and the amendment was adopted.

On motion of Senator Walgren the rules were suspended, Engrossed Senate Bill No. 2117 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. 2117, and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 2; excused, 3.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, North, Odegaard, Peterson, Pullen, Ridder, Sandison, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—44.

Absent or not voting: Senators Bottiger, Scott—2.

Excused: Senators Francis, Newschwander, Rasmussen—3.

ENGROSSED SENATE BILL NO. 2117, having received the 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 Mardesich, the Senate commenced consideration of Senate Bill No. 2297.

SECOND READING

SENATE BILL NO. 2297, by Senators Goltz and Woody:

Increasing the number of Whatcom county superior court judges to three.

The bill was read the second time by sections.

On motion of Senator Goltz the rules were suspended, Senate Bill No. 2297 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. 2297, and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 3, excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Donohue, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Ridder, Sandison, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—44.

Absent or not voting: Senators Bottiger, Fleming, Scott—3.

Excused: Senators Francis, Rasmussen—2.

SENATE BILL NO. 2297, having received the 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 Mardesich, the Senate commenced consideration of Senate Bill No. 2403.

SECOND READING

SENATE BILL NO. 2403, by Senators Jones, Francis and Wanamaker:
Providing arrest procedures for specified traffic offenses.

REPORT OF STANDING COMMITTEE

February 14, 1975.

SENATE BILL NO. 2403, providing arrest procedures for specified traffic offenses (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 19, after "cannabis" strike all the matter down through "drugs" on line 21 and insert "*or at the scene of a motor vehicle accident for driving a motor vehicle while under the influence of intoxicating liquor or drugs*" and on line 21 after "person" strike "[: PROVIDED, That nothing herein shall extend or otherwise affect the powers of arrest prescribed in chapter 46 RCW]" and insert ": PROVIDED, That nothing herein shall extend or otherwise affect the powers of arrest prescribed in chapter 46 RCW".

On page 6, line 21, after "*provisions*" and before "*this*" strike "*of sections 2 through 6 of*" and insert "*of subsections 2 through 6 of section 5 of*".

On page 8, following the last sections add a new section to read as follows:

"*NEW SECTION. Sec. 8. 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 11 of the title after "RCW 46.61.510" and before the period insert ": and declaring an emergency"

Signed by: Senators Francis, Chairman; Buffington, Clarke, Fleming, Jones, Marsh, Woody.

The bill was read the second time by sections.

Senator Jones moved adoption of the committee amendment to page 1, line 19.

On motion of Senator Jones, the following amendment by Senator Francis to the committee amendment was adopted.

Amend the last line of the Senate Judiciary Committee Amendment to page 1, line 19, of the bill by striking the word "chapter" and inserting the word "Title"

The motion by Senator Jones carried and the committee amendment to page 1, line 19, as amended, wa adopted.

On motion of Senator Jones, the remainder of the committee amendments with the exception of the title amendment were adopted. Senator Pullen moved adoption of the following amendment by Senators Pullen, Benitz and Grant:

On page 6, line 20 after "*arrested*" and before the period insert: "*if a warrant authorizing such test is first obtained*"

Debate ensued.

The motion by Senator Pullen failed and the amendment was not adopted.

MOTION

Senator Grant moved that further consideration of Senate Bill No. 2403, as amended, be held at the end of the second reading calendar for Tuesday, March 25, 1975.

Debate ensued.

The motion by Senator Grant carried. Senate Bill No. 2403, as amended, was ordered placed at the end of the second reading calendar for Tuesday, March 25, 1975.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of Senate Bill No. 2513.

There being no objection, Senator Bottiger was excused.

SECOND READING

SENATE BILL NO. 2513, by Senators Matson and Fleming:

Authorizing completion of migrant housing demonstration project in Yakima county.

The bill was read the second time by sections.

On motion of Senator Matson the rules were suspended, Senate Bill No. 2513 was advanced to third reading, the recond 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. 2513, and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 1; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—46.

Absent or not voting: Senator Scott—1.

Excused: Senators Bottiger, Francis—2.

SENATE BILL NO. 2513, having received the 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 Mardesich, the Senate commenced consideration of Senate Bill No. 2495.

SECOND READING

SENATE BILL NO. 2495, by Senators Guess and Peterson:

Enlarging the scope and duties of the department of natural resources as regards surveys and maps.

MOTIONS

On motion of Senator Peterson, Substitute Senate Bill No. 2495 was substituted for Senate Bill No. 2495 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Peterson, the rules were suspended, Substitute Senate Bill No. 2495 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Woody: "Would Senator Guess yield? Senator Guess, addressing your attention to page 3, New Section 4—that is number 221 in your white book. We are looking at New Section 4, that is 222 where it permits the department to contract or enter into agreement, which appears to be different from a contract, with a private agency or individual to perform the duties. Is it your intent or was it the intent of the committee that this in any way avoid the requirement for filing personal service contracts with the LBC?"

Senator Guess: "No, sir, in no way."

Senator Woody: "What sort of a need is there to have private individuals or agencies perform this work? Was there any testimony in that area?"

Senator Guess: "Yes, there was. There are certain areas that when they need to go in in a big hurry, if the capability exceeds that which the department has. For instance, they will have two survey parties, two parties for doing this thing, and if somebody were to go into an area where no land surveying had been done and the proper net was not there, then they would be able to contract on a short-term basis for one or two extra survey parties in order to get the work done in sufficient time."

Senator Woody: "Do you know whether there is a request in budget for additional FTE's by the Department of Natural Resources for this task?"

Senator Guess: "There is not right now."

Senator Woody: "Thank you."

POINT OF INQUIRY

Senator Lewis (Harry): "Will Senator Guess yield? Senator Guess, on page 3 of the bill you are talking about establishing and extend the horizontal control system, and then Senator Woody's question as relating to Section 4, it would appear to me that the bill mandates the department to go ahead and do this work."

Senator Guess: "It does."

Senator Lewis (Harry): "If it does that which you say it does, then what is the cost of this and how will it be funded?"

Senator Guess: "It will be funded by a two dollar fee, look in Section 12, you see that all conveyances—a fee of two dollars shall be charged for each county or corridor over and above any other fees required by law as the condition precedent to recording of any instrument conveying real property or any interest therein. Such fees so received shall be forwarded monthly to the State Treasurer. The fees so forwarded shall be deposited in a survey and maps account of the general fund which fund is hereby permanently established for the use of the department to perform the purposes of the bill."

Senator Lewis (Harry): "So it is clear that that section, that no other funds other than that two dollar fee would be used other than other funds which might normally accrue to that department, that agency of Natural Resources?"

Senator Guess: "That is correct, that is right."

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2495, and the bill passed the Senate by the following vote: Yeas, 44; nays, 3; absent or not voting, 1; excused, 1.

Voting ye: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Goltz, Gould, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Stortini, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—44.

Voting nay: Senators Grant, Talley, Woody—3.

Absent or not voting: Senator Scott—1.

Excused: Senator Francis—1.

SUBSTITUTE SENATE BILL NO. 2495, having received the 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 Mardesich, the Senate commenced consideration of Senate Bill No. 2131.

SECOND READING

SENATE BILL NO. 2131, by Senators Woody and Clarke:

Permitting cemetery authorities to make deposits in federal credit unions and federal savings and loan association.

The bill was read the second time by sections.

On motion of Senator Woody the rules were suspended, Senate Bill No. 2131 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. 2131 and the bill passed the Senate by the following vote: Yeas, 43; absent or not voting, 5; excused, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Fleming, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Stortini, Talley, Van Hollebeke, Walgren, Wanamaker, Washington, Wilson, Woody—43.

Absent or not voting: Senators Donohue, Lewis (Harry), Lewis (R. H. "Bob"), Scott, von Reichbauer—5.

Excused: Senator Francis—1.

SENATE BILL NO. 2131, having received the 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 Mardesich, the Senate commenced consideration of Senate Bill No. 2440.

SECOND READING

SENATE BILL NO. 2440, by Senator Pullen:

Requiring the board of prison terms and paroles to take action by either a majority or two-thirds majority in certain cases.

The bill was read the second time by sections.

On motion of Senator Day the rules were suspended, Senate Bill No. 2440 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. 2440, and the bill passed the Senate by the following vote: Yeas, 47; absent or not voting, 1; excused, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—47.

Absent or not voting: Senator Scott—1.

Excused: Senator Francis—1.

SENATE BILL NO. 2440, having received the 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 Peterson, Senate Bill No. 2124 was ordered placed on the second reading calendar for Tuesday, March 25, 1975.

On motion of Senator Mardesich, the Senate commenced consideration of Senate Concurrent Resolution No. 103.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 103, by Senators Peterson and Lewis (Harry):

Resolving to continue cooperation with other western states to coalesce positions relating to forest programs.

The resolution was read the second time in full.

On motion of Senator Peterson 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.

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, 47; absent or not voting, 1; excused, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—47.

Absent or not voting: Senator Scott—1.

Excused: Senator Francis—1.

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

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of Senate Bill No. 2093.

SECOND READING

SENATE BILL NO. 2093, by Senators Clarke, Keefe and Jones:
Enacting general provisions of a new criminal code.

MOTIONS

On motion of Senator Marsh, Substitute Senate Bill No. 2093 was substituted for Senate Bill No. 2093, and the substitute bill was placed on second reading and read the second time in full.

Senator Pullen moved adoption of the following amendment by Senators Pullen and Benitz:

On page 17, line 9, after "fine" and before the semicolon insert: "": PROVIDED, That every person convicted of a Class A felony shall be confined for a minimum of six years within a state correctional institution and it is the intent of the legislature that while a judge may impose a term greater than the minimum six-year period of confinement he shall never suspend, defer, or commute such six-year period of minimum confinement: PROVIDED FURTHER, That the board of prison terms and paroles shall have authority to set a period of confinement greater than six years but shall never reduce the minimum six-year period of confinement nor shall the board release the convicted person 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".

Senator Lewis (R. H. "Bob") moved adoption of the following amendment to the amendment by Senators Pullen and Benitz:

Strike all references in the amendment to "six year(s)" and insert "three year(s)"

POINT OF INQUIRY

Senator Knoblauch: "Would Senator Pullen yield to a question? Senator Pullen, for us non-lawyers, would you explain a class A felony?"

Senator Pullen: "In explaining it I can only say that the entire criminal code that we have before us, which consists of about six different bills, has class A felonies listed throughout the six bills, and these class A felonies are the ones that generally are applied only to the very serious crimes like robbery, assault, first degree arson, first degree kidnapping, the kind of crimes where individuals can be very seriously injured. It is these kinds of crimes that I think we need a serious penalty so that we can provide some degree of protection for society."

The motion by Senator Lewis (R. H. "Bob") carried and the amendment to the amendment by Senators Pullen and Benitz was adopted.

The President declared the question before the Senate to be adoption of the amendment by Senators Pullen and Benitz as amended by Senator Lewis (R. H. "Bob").

POINT OF INQUIRY

Senator Bottiger: "Would Senator Pullen yield to a question? Senator Pullen, and this proposal, of course, has not had a hearing before the committee; it is a subject matter of considerable concern and I as one who have supported mandatory five year penalties for conviction of a crime involving a firearm, a five year mandatory penalty for sale of narcotics, am not anti the proposal of no suspension of certain sentences, but I am wondering what kind of research you have made into what is called a class A felony in the rest of these statutes; and if you have looked at any of the problems of people who have been technically guilty in a crime of passion, say, of murdering their wife or their husband, something that happens only once and which history tells us will not happen again, is not a part of any criminal mind; have you looked into the statutes in all the rest of this criminal code to see what we are adopting — a no suspension, no deferral, no parole, no job release, no anything, in your amendment?"

Senator Pullen: "The answer to your question is yes, I have looked through all the six parts of the criminal code that are now before us, and I could not find any class A felony crime that I did not feel would require at least a three year minimum, or six years — now it is down to three years — minimum mandatory sentence to provide

some measure of protection for society. All the class A felonies that I could find were of such a serious nature that I could not conceive of any circumstances in which the person should be freed prior to the six year, now amended down to three year, period of confinement. And I am quite sympathetic to what you say, too. I do not feel that we should be letting the extenuating circumstances not to be considered and I think we should also consider extenuating circumstances but that is why we have, I think, class B and class C felonies included in here. Only for the class A felonies I think that we need a minimum mandatory sentence."

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Would Senator Woody yield to a question? Senator Woody, for a class A felony, I am reading New Section 9A on page 17, it provides for imprisonment in a state correctional institution for a maximum term fixed by the court of not less than twenty years. So apparently a class A felony is considered a very serious—I was wondering why you are objecting to three years?"

Senator Woody: "You do not mistake 'not less than three years' with the terminology of 'not more than twenty.' 'Not more than twenty' is the current technique of sentencing under our existing law and a board of prison terms and parole sets the actual minimum term."

Senator Rasmussen: "I think this is what the problem—and then it goes on down—class B provides for a maximum term of ten years, and class C for not more than five years."

Senator Woody: "Sort of like papa bear, mama bear, and baby bear, without identifying them."

Senator Rasmussen: "I think that the problem that Senator Pullen is attempting to get at is really not a joking matter. That they are releasing these people on a basis that they have rehabilitated them or work release. They have committed a serious crime and he is attempting only to see that they get put in the institutions long enough so that they realize the seriousness of the crime. At the present time they are being released. We have a million dollar lawsuit filed now for the two girls who were murdered. People are being released from prison; they are murdering, maiming, and so what does the court say then? 'Well, it is too bad but we are attempting to rehabilitate the person.' Those that are gone cannot be rehabilitated and they were innocent in the first place. I really think that Senator Pullen has a good amendment which will say, 'If you commit a class A felony, which is a serious crime, then you are going to at least have three years to think about it.' And this would not include those cases of passion that Senator Bottiger was talking about. Then, while you are on your feet, Senator, and mulling that one over . . ."

Senator Woody: "I have mulled it long enough."

Senator Rasmussen: "On page 16, New Section, on line 13."

Senator Woody: "I am trying to keep notes."

Senator Rasmussen: "Intoxication—'no act committed by a person while in a state of voluntary intoxication.' What would be a case of involuntary intoxication?"

Senator Woody: "Are those the only two question? Let me answer the first one first. I am not here to defend the system that currently is in existence and it is not a judicial problem. It is a problem of how not only the parole board but the department is handling these people once they are committed, and I fully agree with you that the current system is not valid, is not working; and I understand that Senator Francis is working hard, along with Senator Day, to reform some of this. We will see some of those bills later. And when those bills come along, including the reform of the parole board, I will be working with you to reform the system."

"Number two, intoxication, involuntary intoxication, how does that occur?"

Senator Rasmussen: "I can understand voluntary intoxication, a person takes a chance on that. What is an involuntary?"

Senator Woody: "I am not much of an expert, if there is, and I do not suspect that Senator Bottiger is, but solely as a professional viewpoint he may have the answer."

Senator Bottiger: "It is very simply that somebody forced you to drink the liquor"

and, Senator Rasmussen, that has happened many times. In addition, you may be shot with a drug. You involuntarily are submitted to a drug. Somebody gives you a shot you do not want to take."

Senator Rasmussen: "That is not considered intoxication."

Senator Bottiger: "I think it is, Senator. It is the use of alcohol or drugs."

Senator Rasmussen: "That was not really the third question."

Further debate ensued.

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

INTRODUCTION AND FIRST READING

SENATE JOINT RESOLUTION NO. 133, by Senators Marsh, Ridder and Bailey: Permitting carry-over of legislative measures from one session to the next of any legislature automatically.

Referred to Committee on Constitution and Elections.

MOTIONS

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

On motion of Senator Mardesich, Senate Resolution 1975-22 regarding cessation of Clatsop County from the state of Oregon was referred to the Committee on Rules.

At 12:40 p.m., on motion of Senator Mardesich, the Senate adjourned until 10:15 a.m., Tuesday, March 25, 1975.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

TWELFTH DAY**MORNING SESSION**

Senate Chamber, Olympia, Tuesday, March 25, 1975.

The Senate was called to order at 10:15 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senator Lewis (Harry).

On motion of Senator Lewis (R. H. "Bob"), Senator Lewis (Harry) was excused.

The Color Guard, consisting of Pages Gale Ayers and Steven Sandholm, presented the Colors. Father Dennis Robb, assistant pastor of St. Michael's Church of Olympia, offered the following quotation from Robert Kennedy:

"THE FUTURE DOES NOT BELONG TO THOSE WHO ARE CONTENT WITH TODAY, APATHETIC TOWARD COMMON PROBLEMS AND THEIR FELLOW MAN ALIKE, TIMID AND FEARFUL IN THE FACE OF NEW IDEAS AND BOLD PROJECTS. RATHER IT WILL BELONG TO THOSE WHO CAN BLEND VISION, REASON AND COURAGE IN A PERSONAL COMMITMENT TO THE IDEALS AND GREAT ENTERPRISES OF AMERICAN SOCIETY.

"OUR FUTURE MAY LIVE BEYOND OUR VISION, BUT IS NOT COMPLETELY BEYOND OUR CONTROL. IT IS THE SHAPING IMPULSE OF AMERICA THAT NEITHER FATE NOR NATURE NOR THE IRRESISTIBLE TIDES OF HISTORY, BUT THE WORK OF OUR OWN HANDS, MATCHED TO REASON AND PRINCIPLE, THAT WILL DETERMINE OUR DESTINY. THERE IS PRIDE IN THAT, EVEN ARROGANCE, BUT THERE IS ALSO EXPERIENCE AND TRUTH. IN ANY EVENT, IT IS THE ONLY WAY WE CAN LIVE."

"Let us pray:

"FATHER IT IS IN YOU AND THROUGH YOU THAT WE CAN APPROACH THE TASKS YOU SET BEFORE US WITH VISION, REASON AND COURAGE. STRENGTHEN OUR COMMITMENT TO YOU AND TO ALL OF MANKIND THAT WE MIGHT GIVE YOU GLORY. AMEN."

MOTION

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

REPORTS OF STANDING COMMITTEES

March 24, 1975.

SENATE BILL NO. 2217, requiring negotiation of professional service contracts by local agencies (reported by Committee on Local Government):

MAJORITY recommendation: That Substitute Senate Bill No. 2217 be substituted therefor and the substitute bill do pass.

Signed by: Senators Fleming, Chairman; Jolly, Lewis (R. H. "Bob"), McDermott, North, Sellar, Talley.

Passed to Committee on Rules for second reading.

March 21, 1975.

SUBSTITUTE SENATE BILL NO. 2241, authorizing resumption of payments to a widow of a workman after remarriage has terminated (reported by Committee on Labor):

MAJORITY recommendation: That Second Substitute Senate Bill 2241 be substituted therefor and Second Substitute Senate Bill No. 2241 do pass.

Signed by: Senators Ridder, Chairman; Bailey, Grant, Morrison, von Reichbauer.
Passed to Committee on Rules for second reading.

March 24, 1975.

SENATE BILL NO. 2392, revising the oath to be taken by candidates for elective office (reported by Committee on Constitution and Elections):

Recommendation: That Substitute Senate Bill No. 2392 be substituted therefor and the substitute bill do pass.

Signed by: Senators Beck, Chairman; Grant, Lewis (R. H. "Bob"), Pullen, Stortini, Washington.

Passed to Committee on Rules for second reading.

March 20, 1975.

ENGROSSED HOUSE BILL NO. 377, increasing certain fees and licenses for game and game fish (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass and be referred to the Senate Committee on Ways and Means.

Signed by: Senators Peterson, Chairman; Beck, Pullen Sandison, Talley.

Referred to Committee on Ways and Means.

March 24, 1975.

SUBSTITUTE HOUSE BILL NO 593, permitting vote by absentee ballot for persons not making their original registration before 30 days prior to an election or primary (reported by Committee on Constitution and Elections):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Beck, Chairman; Grant, Stortini, Washington.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE HOUSE

March 24, 1975.

Mr. President: The House has passed:

HOUSE BILL NO. 174,

HOUSE BILL NO. 393,

SUBSTITUTE HOUSE BILL NO. 631, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

INTRODUCTION AND FIRST READING

SENATE BILL NO. 2915, by Senator Rasmussen:

An Act relating to state government.

Referred to Committee on State Government.

SENATE BILL NO. 2916, by Senator Rasmussen:

An Act relating to state government.

Referred to Committee on State Government.

SENATE BILL NO. 2917, By Senator Knoblauch:

An Act relating to boating.

Referred to Committee on Parks and Recreation.

SENATE BILL NO 2918, by Senator Day:

An Act relating to Indians.

Referred to Committee on Social and Health Services.

SENATE BILL NO. 2919, by Senator Day:
An Act relating to a health planning agency.
Referred to Committee on Social and Health Services.

SENATE BILL NO. 2920, by Senator Day:
An Act relating to juvenile offenders.

MOTION

Senator Marsh moved that Senate Bill No. 2920 be referred to the Judiciary Committee.

Debate ensued.

The motion by Senator Marsh carried on a rising vote and Senate Bill No. 2920 was referred to the Judiciary Committee.

INTRODUCTION AND FIRST READING

SENATE BILL NO. 2921, by Senator Day:
An Act relating to probation supervision.

MOTION

Senator Marsh moved that Senate Bill No. 2921 be referred to the Judiciary Committee.

Debate ensued.

The motion by Senator Marsh carried on a rising vote and Senate Bill No. 2921 was referred to the Judiciary Committee.

INTRODUCTION AND FIRST READING

SENATE BILL NO. 2922, by Senator Day:
An Act relating to civil commitment.

MOTION

Senator Marsh moved that Senate Bill No. 2922 be referred to the Judiciary Committee.

Debate ensued.

POINT OF INQUIRY

Senator Guess: "Would Senator Marsh yield? Senator Marsh, you very proudly stated that your committee had had this situation before you for several years, is that right?"

Senator Marsh: "Yes, that is correct."

Senator Guess: "Is this the committee that provided the seventy-two hour hold?"

Senator Marsh: "Yes."

Senator Guess: "Is this the committee that then would let you extend it to fourteen days?"

Senator Marsh: "Yes."

Senator Guess: "Thank you, Senator Marsh."

Further debate ensued.

The motion by Senator Marsh carried on a rising vote and Senate Bill No. 2922 was referred to the Judiciary Committee.

INTRODUCTION AND FIRST READING

SENATE BILL NO. 2923, by Senators Day and Knoblauch:
An Act relating to prisoner discipline.
Referred to Committee on Social and Health Services.

MOTION

On motion of Senator Day, Senator Knoblauch was permitted as an additional sponsor on Senate Bill No. 2923.

SENATE BILL NO. 2924, by Senator Day:
An Act relating to social and health services
Referred to Committee on Social and Health Services.

SENATE BILL NO. 2925, by Senator Day:
An Act relating to aged persons.
Referred to Committee on Social and Health Services.

SENATE BILL NO. 2926, by Senator Day:
An Act relating to the board of health.
Referred to Committee on Social and Health Services.

SENATE BILL NO. 2927, by Senator Rasmussen:
An Act relating to state government.
Referred to Committee on State Government.

SENATE BILL NO. 2928, by Senator Pullen:
An Act relating to state residential schools.
Referred to Committee on Social and Health Services.

SENATE BILL NO. 2929, by Senator Washington:
An Act relating to environment; and to dispersion of nonpolluting industry to noncongested areas of the state.
Referred to Committee on Ecology.

SENATE BILL NO. 2930, by Senator Washington:
An Act relating to environment; and providing incentives for industrial dispersion to noncongested areas of the state.
Referred to Committee on Ecology.

SENATE BILL NO. 2931, by Senator Washington:
An Act relating to taxation; and providing tax exemptions and credits to encourage industrial dispersion.
Referred to Committee on Ways and Means.

SENATE BILL NO. 2932, by Senator Guess:
An Act relating to shorelines management.
Referred to Committee on Ecology.

SENATE BILL NO. 2933, by Senators Day, Stortini, Beck, McDermott, Buffington, Knoblauch and Gould:
An Act relating to homes for soldiers and veterans.
Referred to Committee on State Government.

SENATE BILL NO. 2934, by Senator Washington:
An Act relating to transportation; authorizing state and county governments to provide for rail passenger service and connecting bus service; and adding a new chapter to Title 81 RCW.
Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 2935, by Senator Mardesich:
An Act relating to the pilotage commission.
Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 2936, by Senator Francis:

An Act relating to retirement and pensions.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2937, by Senator Walgren:

An Act relating to transportation taxation.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 2938, by Senators Lewis (Harry), Morrison, Sellar, Guess,

Grant, Peterson, Ridder and Matson:

An Act relating to industrial insurance; and adding new sections to Title 51 RCW.

Referred to Committee on Labor.

SENATE BILL NO. 2939, by Senator Morrison:

An Act relating to alcoholic beverage control; and amending section 90, chapter 62, Laws of 1933 ex. sess. as last amended by section 6, chapter 217, Laws of 1937 and RCW 66.28.010.

Referred to Committee on Commerce.

SENATE BILL NO. 2940, by Senator von Reichbauer:

An Act relating to state government; amending section 60, chapter 282, Laws of 1959 as last amended by section 1, chapter 199, Laws of 1967 and RCW 21.20.005; amending section 43.19.010, chapter 8, Laws of 1965 and RCW 43.19.010; amending section 43.19.015, chapter 8, Laws of 1965 and RCW 43.19.015; amending section 5, chapter 156, Laws of 1965 as amended by section 34, chapter 281, Laws of 1969 ex. sess. and RCW 46.01.050; adding new sections to chapter 43.09 RCW; repealing section 43.19.040, chapter 8, Laws of 1965 and RCW 43.19.040; repealing section 43.19.110, chapter 8, Laws of 1965 and RCW 43.19.110; declaring an emergency; and providing an effective date.

Referred to Committee on Financial Institutions.

SENATE BILL NO. 2941, by Senator Francis:

An Act relating to the administrative procedure act; and amending section 14, chapter 234, Laws of 1959 as amended by section 87, chapter 81, Laws of 1971 and RCW 34.04.140.

Referred to Judiciary Committee.

SENATE BILL NO. 2942, by Senator Francis:

An Act relating to motor vehicles; and adding a new section to chapter 46.29 RCW.

Referred to Judiciary Committee.

SENATE BILL NO. 2943, by Senator von Reichbauer:

An Act relating to abandoned animals; and amending section 1, chapter 190, Laws of 1955 and RCW 16.54.010.

Referred to Committee on Local Government.

SENATE BILL NO. 2944, by Senator Mardesich:

An Act relating to the Asian development bank; and amending section 12, chapter 103, Laws of 1973 1st ex. sess. and RCW 43.84.150.

Referred to Committee on Financial Institutions.

SENATE BILL NO. 2945, by Senators Washington, Talley and North:

An Act relating to sewer districts; amending section 2, chapter 197, Laws of 1967 and RCW 56.32.010; amending section 3, chapter 197, Laws of 1967 and RCW 56.32.020; amending section 4, chapter 197, Laws of 1967 and RCW 56.32.030; amending section 5, chapter 197, Laws of 1967 and RCW 56.32.040; amending section

6, chapter 197, Laws of 1967 and RCW 56.32.050; amending section 9, chapter 197, Laws of 1967 and RCW 56.32.080; amending section 11, chapter 197, Laws of 1967 and RCW 56.32.100; amending section 12, chapter 197, Laws of 1967 and RCW 56.32.110; and adding a new section to chapter 197, Laws of 1967 and to chapter 56.32 RCW.

Referred to Committee on Local Government.

SENATE BILL NO. 2946, by Senator von Reichbauer:

An Act relating to school books; amending section 28A.58.103, chapter 223, Laws of 1969 ex. sess. as amended by section 29, chapter 48, Laws of 1971 and RCW 28A.58.103; and adding new sections to chapter 28A.58 RCW.

Referred to Committee on Education.

SENATE BILL NO. 2947, by Senator Francis:

An Act relating to enforcement of judgments; amending section 1, chapter 60, Laws of 1929 as amended by section 16, chapter 81, Laws of 1971 and RCW 4.56.190; amending section 8, chapter 60, Laws of 1929 as amended by section 18, chapter 81, Laws of 1971 and RCW 4.56.225; and amending section 2, chapter 25, Laws of 1929 as amended by section 26, chapter 81, Laws of 1971 and RCW 6.04.010.

Referred to Judiciary Committee.

SENATE BILL NO. 2948, by Senator Mardesich:

An Act relating to port districts; amending section 1, chapter 92, Laws of 1911 as amended by section 1, chapter 147, Laws of 1963 and RCW 53.04.010; amending section 8, chapter 17, Laws of 1959 as amended by section 8, chapter 175, Laws of 1959 and RCW 53.12.150; amending section 2, chapter 69, Laws of 1957 as amended by section 1, chapter 9, Laws of 1969 ex. sess. and RCW 53.16.010; amending section 3, chapter 145, Laws of 1933 and RCW 53.16.020; amending section 11, chapter 65, Laws of 1955 as amended by section 56, chapter 195, Laws of 1973 1st ex. sess. and RCW 53.36.020; amending section 1, chapter 29, Laws of 1925 as last amended by section 57, chapter 195, Laws of 1973 1st ex. sess. and RCW 53.36.070; amending section 1, chapter 265, Laws of 1957 as amended by section 58, chapter 195, Laws of 1973 1st ex. sess. and RCW 53.36.100; amending section 4, chapter 121, Laws of 1974 ex. sess. and RCW 53.54.040; adding a new chapter to Title 53 RCW; and adding new sections to chapter 53.36 RCW.

Referred to Committee on Local Government.

SENATE BILL NO. 2949, by Senator Lewis (Harry):

An Act relating to state institutions of higher education; creating new sections; and adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.15 RCW; and establishing an effective date.

Referred to Committee on Higher Education.

SENATE BILL NO. 2950, by Senator Lewis (R. H. "Bob"):

An Act relating to the administrative procedure act; and adding a new section to chapter 34.04 RCW.

Referred to Committee on State Government.

SENATE BILL NO. 2951, by Senators Wanamaker and Peterson:

An Act relating to shellfish; creating a new section; and declaring an emergency.

Referred to Committee on Natural Resources.

SENATE BILL NO. 2952, by Senator Lewis (R. H. "Bob"):

An Act relating to education; amending section 28A.02.030, chapter 223, Laws of 1969 ex. sess. and RCW 28A.02.030; and providing penalties.

Referred to Committee on Education.

SENATE BILL NO. 2953, by Senator Benitz:

An Act relating to alcohol and beverage control; and amending section 30, chapter 62, Laws of 1933 ex. sess. as last amended by section 7, chapter 21, Laws of 1969 ex. sess. and RCW 66.28.040.

Referred to Committee on Commerce.

SENATE BILL NO. 2954, by Senators Peterson, Donohue, Odegaard, Talley, Guess, Matson, Wanamaker, Day, Rasmussen, Lewis (Harry), Bailey, Goltz, Wilson, Woody, Sandison, Mardesich, Henry, Walgren, Morrison and Lewis (R. H. "Bob"):

An Act relating to forest practices; amending section 1, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.010; amending section 2, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.020; amending section 4, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.040; amending section 5, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.050; amending section 6, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.060; amending section 7, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.070; amending section 8, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.080; amending section 9, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.090; amending section 14, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.140; amending section 17, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.170; amending section 18, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.180; amending section 22, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.220; amending section 24, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.240; amending section 26, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.260; amending section 32, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.910; amending section 30, chapter 137, Laws of 1974 ex. sess. and RCW 90.48.420; adding new sections to chapter 137, Laws of 1974 ex. sess. and to chapter 76.09 RCW; repealing section 3, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.030; repealing section 10, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.100; and repealing section 16, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.160.

Referred to Committee on Natural Resources.

SENATE BILL NO. 2955, by Senators Fleming, McDermott and Grant:

An Act relating to business and occupation taxes; adding a new section to chapter 15, Laws of 1961 and to chapter 82.04 RCW; creating a new section; and declaring an emergency.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2957, by Senators Bottiger and Walgren:

An Act relating to driver's license fees; amending section 51, chapter 145, Laws of 1967 ex. sess. as amended by section 2, chapter 155, Laws of 1969 ex. sess. and RCW 46.20.115; amending section 46.20.120, chapter 12, Laws of 1961 as last amended by section 4, chapter 167, Laws of 1967 and RCW 46.20.120; amending section 11, chapter 121, Laws of 1965 ex. sess. as amended by section 6, chapter 99, Laws of 1969 and RCW 46.20.161; amending section 17, chapter 121, Laws of 1965 ex. sess. as last amended by section 7, chapter 99, Laws of 1969 and RCW 46.20.181; and amending section 46.20.200, chapter 12, Laws of 1961 as amended by section 16, chapter 121, Laws of 1965 ex. sess. and RCW 46.20.200.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 2958, by Senators Gould, Matson and Donohue:

An Act relating to taxation; and amending section 82.32.060, chapter 15; Laws of 1961 as last amended by section 17, chapter 299, Laws of 1971 ex. sess. and RCW 82.32.060.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2959, by Senator von Reichbauer:

An Act relating to elections; and amending section 6, chapter 109, Laws of 1967

ex. sess. as amended by section 2, chapter 35, Laws of 1974 ex. sess. and RCW 29.36.120.

Referred to Committee on Constitution and Elections.

SENATE BILL NO. 2960, by Senators Henry, Matson and Morrison (by Department of Emergency Services request):

An Act relating to emergency services; amending section 3, chapter 178, Laws of 1951 as last amended by section 4, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.010; amending section 2, chapter 178, Laws of 1951 as last amended by section 5, chapter 171, Laws of 1974 ex. sess. and RCW 38.52.020; and amending section 4, chapter 178, Laws of 1951 as last amended by section 58, chapter 154, Laws of 1973 1st ex. sess. and RCW 38.52.030.

Referred to Committee on State Government.

SENATE BILL NO. 2961, by Senator Woody:

An Act relating to superior courts; and amending section 3, chapter 125, Laws of 1951 as last amended by section 1, chapter 27, Laws of 1973 1st ex. sess. and RCW 2.08.061.

Referred to Judiciary Committee.

SENATE BILL NO. 2963, by Senators Lewis (Harry) and Bailey:

An Act relating to the Washington state patrol; and adding a new section to chapter 43.43 RCW.

Referred to Committee on State Government.

SENATE BILL NO. 2964, by Senator Bailey:

An Act relating to boards of legislative ethics.

Referred to Committee on Constitution and Elections.

SENATE BILL NO. 2965, by Senator Bailey:

An Act relating to the veterans' bonus.

Referred to Committee on State Government.

SENATE BILL NO. 2966, by Senator Sellar:

An Act relating to fire districts.

Referred to Committee on Local Government.

SENATE BILL NO. 2967, by Senators Donohue, Odegaard and Walgren:

An Act relating to the support of state government.

Referred to Committee on Ways and Means.

SENATE BILL NO. 2968, by Senator Odegaard:

An Act relating to aliens.

Referred to Judiciary Committee.

SENATE BILL NO. 2969, by Senator Walgren:

An Act relating to play vehicles.

Referred to Committee on Transportation and Utilities.

SENATE BILL NO. 2970, by Senator Van Hollebeke:

An Act relating to mobile home parks.

Referred to Committee on Local Government.

HOUSE BILL NO. 174, by Representatives Nelson, Hansen and Lee (by Department of Highways request):

Precluding the use of highway centerline as corporate boundaries.

Referred to Committee on Local Government.

HOUSE BILL NO. 393, by Representatives Smith (Rick), Pardini, Wojahn and Hanna (by Department of Employment Security request):
Modernizing language referring to mentally incompetent persons.
Referred to Judiciary Committee.

SUBSTITUTE HOUSE BILL NO. 631, by Committee on Constitution and Elections (originally sponsored by Representatives King, Brown, Fortson, Sherman and Erickson):

Providing for date absentee ballots considered voted when postmark missing or illegible.

Referred to Committee on Constitution and Elections.

There being no objection, the rules were suspended and additional sponsors were permitted on the following Senate bills: 2933, 2938, 2954 and Senate Joint Resolution No. 134.

PARLIAMENTARY INQUIRY

Senator Bailey: "What happens to a bill that is on the desk? Will it be, before it is brought off the desk, put in writing on our desks before it is referred to another committee? My point is that these bills that are held on the desk, I want to see them printed, on my desk, before there is any action taken on them like we do this sheet. I do not want to have a couple of bills taken up and referred without deliberation of the body."

REPLY BY THE PRESIDENT

The President: "They would in all likelihood be considered on the fourth order of business tomorrow and evidently will be on such a list, Senator."

MOTION

On motion of Senator Mardesich, the rules were suspended and Senate Bill No. 2956 and Senate Bill No. 2962 were ordered held for introduction and first reading on Wednesday, March 26, 1975.

PARLIAMENTARY INQUIRY

Senator Mardesich: "Our rules provide that these bills be read in today. I did move that the rules be suspended. However, I think that the President should indicate whether or not he would honor the motion for commitment tomorrow without a suspension."

REPLY BY THE PRESIDENT

The President: "Senator Mardesich, with your consent and that of the other members, the President should like very much to have the opportunity to research the concurrent resolution covering this particular situation before rendering a decision. The Senate will be in session for some time and perhaps before adjournment today the President can give you a definite answer."

Senator Mardesich: "All right, Mr. President. Then the bills would merely be held on the desk pending decision?"

The President: "Yes, sir."

MOTIONS

On motion of Senator Bailey, Senate Bill No. 2650 was ordered to hold its place on the second reading calendar for Friday, March 28, 1975.

On motion Senator Mardesich, the Senate resumed consideration of Substitute Senate Bill No. 2093.

SECOND READING

SUBSTITUTE SENATE BILL NO. 2093, by Senators Clarke, Keefe and Jones:
Enacting general provisions of a new criminal code.

The Senate resumed consideration of Substitute Senate Bill No. 2093. On Monday, March 24, 1975 the following amendment by Senators Pullen and Benitz was moved for adoption by Senator Pullen:

On page 17, line 9, after "fine" and before the semicolon insert: " ; PROVIDED, That every person convicted of a Class A felony shall be confined for a minimum of six years within a state correctional institution and it is the intent of the legislature that while a judge may impose a term greater than the minimum six-year period of confinement he shall never suspend, defer, or commute such six-year period of minimum confinement: PROVIDED FURTHER, That the board of prison terms and paroles shall have authority to set a period of confinement greater than six years but shall never reduce the minimum six-year period of confinement nor shall the board release the convicted person 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".

On Monday, March 24, 1975, the following amendment by Senator Lewis (R. H. "Bob") to the amendment by Senators Pullen and Benitz was adopted:

Strike all references in the amendment to "six year(s)" and insert "three year(s)"
Debate ensued.

POINT OF INQUIRY

Senator Washington: "Would Senator Francis yield to a question? Will there be a position later on in these bills to give consideration to some minimum sentences?"

Senator Francis: "We will have at least one criminal penalty bill coming and that is the death sentence bill. We could put out other bills relating to sentencing and relating to corrections. You know, the Governor's advisory task force on corrections finally has finalized their bill and I do not know anybody who was willing to sponsor it. And this was the one that had the dangerous offender provision and all the rest in it. I do not know if we can get to that problem this session, and that gets us in an area, among other things, where there is some disagreement between myself and Senator Day because there we are not defining crimes. We are saying, 'What do you do with somebody after we determine that they have committed a crime?' And whether that even belongs as a part of corrections in Social and Health Services or whether it is part of Judiciary, I think either committee could put something out, in addition to which I am sure that the State Government Committee could put out a bill on that subject. I cannot promise you anything other than that I will do my best to get a capital punishment bill to the floor. Other than that, I do not know if we are going to be able to deal with that problem this session."

Senator Washington: "Senator Francis, I agree with you that in a very technical bill I am reluctant to vote for floor amendments, but I also have the feeling that we do need to move into the area of some minimum sentences as well as maximum sentences. Not that we have to have every crime of a certain kind having a specific sentence, but I think we have gone too far the other way. I think we do have to start moving back at least to some semblance of the minimum sentence and I would hope that sometime during the session we are able to address it. But again, could you give us some indication of maybe where we might be able to handle that during this session?"

Senator Francis: "Yes, we will be having a hearing Tuesday on capital punishment. I think it would not be inappropriate at that time, since that is an aspect of determining sentence and determining what do you do with someone who has committed a crime, to have additional sections put on there in connection with minimum sentences. I do not think that would be inappropriate. There are also other bills in the legislature now dealing with minimum sentences and I do not know whether any of them are in Rules yet. I would agree with you that we ought to get at this problem, and the problem is it does not fit here, and when you start trying to decide your whole philosophy of sentencing in connection with defining a crime, I think you are coming into serious prob-

lems. I do not object to floor amendments as such, just that this particular floor amendment does not fit here."

Senator Washington: "Thank you."

Senator Francis: "Mr. President and members of the Senate, I overlooked something and a note was handed to me. In further response to Senator Washington's question, we have held one hearing and we have an action session coming up Friday on the parole board reorganization act; and at that time, in connection with what the powers of the parole board are, we have an excellent opportunity to look at the question of minimum sentences and what kinds of minimums they can set. I was addressing this specifically to you, Senator Pullen. I am not asking you a question. I just want you to know that this Friday we have the parole board reorganization act before us. The problem, at least as some people see it, is that there is too much discretion in the parole board as to such things as setting minimum sentences, as to waiving minimum sentences, and so forth. So that the correct answer to Senator Washington's question is that the Judiciary Committee will be working on a bill which has this very issue before it this Friday. It will be an action session, and I would certainly invite you to be there. Regardless of what we do, there will be an opportunity for floor amendments and I think you will find when you are studying the parole board reorganization act that those floor amendments are very appropriate for discussion at that time in connection with that bill."

Further debate ensued.

POINT OF INQUIRY

Senator Lewis (R. H. "Bob"): "Would Senator Van Hollebeke yield please? Senator Van Hollebeke, you mentioned that in the event of a terminal prisoner that he would not be able to be released. Wouldn't he still be, under those circumstances, eligible for a pardon if this amendment were to pass? If he was terminal?"

Senator Van Hollebeke: "I think he would always be eligible for a pardon. I think the Governor always has that right, the power."

Further debate ensued.

POINT OF INQUIRY

Senator Odegaard: "Would Senator Francis yield? Senator Francis, you stated that you did not think this was the bill to establish minimum sentences, that that should come in another bill if that is what we were to do. Since this does establish maximum sentences, however, what is the rationale that this should set out maximums and not minimums?"

Senator Francis: "Senator Odegaard, what I am stating, and by the way, what I am stating is merely restating what the official position of the Prosecuting Attorneys Association and the Bar Association is on this, is that when you state what the maximum possible penalty is for a particular crime, that is part of how you define the crime. When you are stating a minimum penalty, what you are doing is saying how much time will be served and that is making a decision more than just defining what a crime is. That is going on to the question of how do we deal with criminals and what is the best way to do it. And as I said before, I think that there is a great deal of merit to what Senator Bob Lewis says, for example, that the idea of individualized 'treatment' of offenders had been in many respects a failure and maybe we ought to move away from that but we are getting into a very, very large area when we start making up our mind, in connection with defining crimes, what kind of minimum sentences we are going to set. So it is very different. We are getting into the whole area of corrections and what is going to be an effective way of cutting down recidivism, of deterring others, of changing the behavior of particular individuals, and of protecting society; and this just is not the place to do it. You define a crime by stating the maximum term. We have a whole body of law on our statutes right now as far as what we work with within that, including what kind of sentences the state Department of Institutions is going to set. To change all that changes the whole body of law which I think merits a great deal more debate than we have had here. All I am asking is that you vote 'no' on adding that to this particular bill."

Further debate ensued.

The motion by Senator Pullen failed and the amendment, as amended, was not adopted on a rising vote.

On motion of Senator Mardesich the rules were suspended, Substitute Senate Bill No. 2093 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. 2093, and the bill passed the Senate by the following vote: Yeas, 45; nays, 3; excused, 1.

Voting yea: Senators Bailey, Beck, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wana-maker, Washington, Wilson, Woody—45.

Voting nay: Senators Benitz, Pullen, Rasmussen—3.

Excused: Senator Lewis (Harry)—1.

SUBSTITUTE SENATE BILL NO. 2093, having received the 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 Mardesich, the Senate resumed consideration of Senate Bill No. 2461.

SECOND READING

SENATE BILL NO. 2461, by Senator Guess, Benitz and Wilson (by Executive request):

Revising law on withdrawal on public ground water.

The Senate resumed consideration of Senate Bill No. 2461. The committee amendments were adopted on Friday, March 21, 1975 and the following amendments were moved for adoption simultaneously by Senator Woody on that day:

On page 1, line 18, after "exceeding" strike "five" and insert "twenty"

On page 1, line 19, after "exceeding" strike "five" and insert "twenty"

POINT OF INQUIRY

Senator Woody: "Would Senator Washington yield? In your committee hearings with the Committee on Ecology and with your discussions with the Department of Ecology, were you able to determine whether or not stock watering, watering of the lawn, and noncommercial garden purposes not exceeding one-half acre were limited to a gallonage per day?"

Senator Washington: "No; there is the exception that without a permit you may utilize water for stock watering purposes, for watering a lawn or noncommercial garden not exceeding one-half acre. And then comes the five thousand limitation for single or group domestic uses in an amount not exceeding five thousandgallons per day."

Senator Woody: "Thank you, Senator Washington."

There being no objection, the amendments by Senator Woody to page 1, lines 18 and 19 were withdrawn. The amendments by Senator Woody to page 2, lines 7 and 11 on the Secretary's desk were withdrawn.

Senator Clarke moved adoption of the following amendment:

On page 1, line 21, after "section" strike the comma and insert "[,] : PROVIDED, HOWEVER, That this five thousand gallon limit shall be increased to twenty thousand gallons for that portion of the state lying westerly of the Cascade range."

Senator Clarke moved adoption of the following amendment to the amendment:

On the third line of the Clarke amendment to page 1, line 21, strike "twenty" and insert "ten"

Debate ensued.

POINT OF INQUIRY

Senator Day: "Would Senator Clarke yield? Senator Clarke, would you object to changing that to 'Rocky Mountain Range'?"

Senator Clarke: "My only objection would be that I think I might engender quite a little more opposition to the amendment if that were done."

Debate ensued.

POINT OF INQUIRY

Senator Benitz: "Will Senator Clarke yield to a question? Senator Clarke, the intent of this act as I understand it was to get at the people who did not register under the original act, and many hundreds of thousands did file under the five thousand gallon limitation. Many have not, and this is an attempt to make it simpler to bring them in. Would we be penalizing those that have complied with the law by simply giving ten thousand gallons to some of those who did not register under the previous law?"

Senator Clarke: "I do not believe so because you could go ahead and have your registry. Actually, your registry has nothing to do, if I understand it correctly, with the permit system. You can register your claim and then if you are going to use more than ten thousand then you have to get a permit; but my understanding is that the registry and the permit are two entirely separate things. Now what my amendment is reality seeks to achieve are situations where many people have been drawing water from a completely limitless supply, really, where it makes no difference to anyone that they are drawing that. And frankly, they have not gone to the trouble of seeking a permit and as a result of that, any time they run over five thousand gallons they are breaking the law. And I think it is unrealistic to require these people to apply for a permit to prevent being in the guise of lawbreakers. In reality, what I am saying in substance is that the difference between the five and ten thousand gallons is such that if you are going to use water at all you are almost always going to be using more than five thousand gallons because, as was pointed out earlier, one or two lawn sprinklers will take care of that situation. So I do not think you are hurting anybody in reality by simply increasing from five to ten; and in Senator Bottiger's situation, I do not think you could even identify, as it were, the effect of one well upon another on this rather minimal increase, but it would have a very substantial effect on the number of people that would become involved, because the users in the category between five and ten, I think you will find, are quite substantial in number. So that is the purpose."

POINT OF INQUIRY

Senator Rasmussen: "Would Senator Washington yield? Senator Washington, did you make the statement that you can, for stock watering purposes, for garden and for lawn, draw any amount of water?"

Senator Washington: "For a lawn or garden not exceeding one-half acre."

Senator Rasmussen: "Not commercial?"

Senator Washington: "No. Without registration."

Senator Rasmussen: "This is without registration?"

Senator Washington: "This is without registration."

Senator Rasmussen: "After this act is passed?"

Senator Washington: "Mainly what this act will do will allow you to file and secure a priority. At the present time all those who filed under the last registration act do have a priority. But that is only those who filed up to June 30, 1975. Every one is covered up to that point who filed a registration. Now those who file in the future will be able to, or those who drill a well in the future will be able to drill the well but if they want to have a showing of priority they have to give a notice to the Department of Ecology and that is the purpose of this particular act. So you would still be able, by giving notice, to continue with your stock watering. You would still be able to continue with a small garden or your lawn less than half an acre and your domestic well, for the use of the home, either single or multiple, could not be over five thousand gallons."

Senator Rasmussen: "You can exceed five thousand gallons for watering your own stock and your own lawn and your own half acre garden."

Senator Washington: "Right."

Senator Rasmussen: "Senator Mardesich tells me not after this act. I am going to let Senator Mardesich have the floor and get this point clarified. Thank you."

Senator Mardesich: "I would agree that you have the exemptions provided on lines 14 through 21. However, after this law is passed then you jump down to line 24: 'After the effective date of this act, the right to withdraw public ground waters not exceeding such limited amounts,' and that applies to the exemption, then you must apply and if you fail to apply you can quit watering your lawn or quit giving any water to your cattle. That is the way I read this."

Senator Washington: "You may not want to secure a priority. You can continue as you have in the past to take the water as under the exemptions, for stock watering, for noncommercial garden, for a lawn, and I will say this There is one possible complication and where there has been a difference of interpretation, I talked to Charlie Roe and I have an amendment to take care of that over on line 7 of page 2. Some have argued because on line 7 there is a limitation of five thousand gallons, that that five thousand gallons may be applied back in an attempt to say that stock watering, watering the garden, watering the lawn, would all be under the five thousand. He suggested an amendment so what I am going to do is strike out 'not exceeding five thousand gallons per day' and insert 'as exempted under this section' and that takes away any possible misconstruction. The amounts of water are conjunctive and are not all lumped together."

POINT OF INQUIRY

Senator Mardesich: "Would Senator Washington yield? Do you not admit that after the passage of this law everyone would have to file, even those people who have the exemptions?"

Senator Washington: "No, you do not have to file. This is only if you wish to . . ."

Senator Mardesich: "To have a priority,"

Senator Washington: "If you wish to establish a priority."

Senator Mardesich: "Then in effect you are going to have to file."

Senator Washington: "It is only a notice. 'After the effective date of this 1975 amendatory act a right to withdraw public ground waters not exceeding such limited amount for such purposes may be established with a priority.' Beyond that you never had to establish it. You just drilled your well and you could continue. If you want to continue and worry that at some time there may be a lawsuit and someone else may get higher priority than you are, drill a new well, take out water and do not be concerned about it, but if you want to establish a priority you just notify the Department of Ecology under this section and you will not only be getting your water but you will be establishing a priority."

Senator Mardesich: "That is my point though. I am wondering why we have to establish priorities for these basic purposes."

Senator Washington: "The reason why, if after you have established and have drilled your well, you may get into a situation like in the Odessa area where the water table is lower. The water is not available. Then it is those who have a priority who will be able to continue with their wells and those without a priority may have the amount of water that they can take reduced."

Senator Mardesich: "My point is, Senator Washington, that a person who fails, overlooks that they should file, he has a right to water his cattle today. If he fails to file then all the other people have the priorities, they may run a pulp mill using twenty million gallons a day. That man is first before you get to water your cattle if you fail to file."

Senator Washington: "This is true. What has already happened is that we passed the registration law and all of the thousands of people who filed under that registration law now have established their priority. When you filed you have established a priority. Now then, if you wish to have a priority and not just continue to draw your water as you have in the past, this just gives you an additional right so that you can now have the same right as those thousands of people who have already filed and established their priority."

Senator Mardesich: "I would like to point out, and here is the distinction, the fact is

that if I were excluded from the requirement of filing, then I am number one priority. The law did not require me to file, and I have with the very fact of exclusion, established the number one priority. The people with the priorities come behind me since I was not required to file. That is the way I read it. Now you are going to take all that right away. And I suppose people read English differently than I do. I do not know."

MOTION

On motion of Senator Woody, Senate Bill No. 2461 was re-referred to the Committee on Ecology.

MOTION

On motion of Senator Mardesich, the Senate returned to the third order of business.

MESSAGE FROM THE GOVERNOR

Office of the Governor, February 25, 1975.

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

LADIES AND GENTLEMEN:

I am returning herewith without my approval Engrossed Senate Bill No. 2011 entitled:

"An Act relating to school holidays."

This bill requires that public schools observe as holidays Memorial Day on the 30th day of May and Veterans' Day on the 11th day of November. The change would conform these two school holidays with those observed by state employees, which are already at variance with the federal holidays by reason of Chapter 1, Laws of Washington 1973, 2nd Ex. Sess. passed by the Legislature over my veto.

The 1973 enactment resulted in enormous confusion and disruption both because of the uncertainty by the public over which holiday applied and because federal offices, schools, and private firms closed on one day while state and local offices and some private firms closed on another day. Notwithstanding this bill, which would remove some of the confusion as to school holidays, a great deal of confusion would still exist because federal offices and the great majority of private firms would close for these holidays on different days. In addition, there would be four days out of the year when federal and private offices would be unable to conduct business with state and local offices. This disruption is wholly unwarranted.

The fact that a holiday is celebrated on a different day than has traditionally been the case does not detract from the meaning of that holiday in the minds of the people. Such is the case with three other major holidays: Thanksgiving Day, Labor Day, and the anniversary of the birth of George Washington. One possible exception would be November 11, which is recognized both as Veterans' Day and the date of admission of our state into the union, and as such has a unique significance which might warrant nonconformity with the federal holiday. In all other cases, I believe the overriding consideration should be conformity between state and federal holidays to prevent frustration and disruption, both to employers and employees.

For these reasons, I have determined to veto Engrossed Senate Bill No. 2011.

Respectfully submitted,
DANIEL J. EVANS
Governor.

MOTION

Senator Odegaard moved that the Senate do pass Engrossed Senate Bill No. 2011 notwithstanding the Governor's veto.

Debate ensued.

POINT OF INQUIRY

Senator Bluechel: "Would Senator Odegaard yield to a question? Senator Odegaard, you said there were forty-four states that had changed Veterans' Day back to its original date. Can you tell me how many states have changed Memorial Day back to its original date?"

Senator Odegaard: "Senator Bluechel, no, I do not have that figure on Memorial Day."

Senator Bluechel: "Senator Odegaard, as I understand it, only seven. This is the information I received yesterday. Only seven states have changed Memorial Day back to its original date and, agreeing with Senator Murray that the majority of people are not state employees and that most people would probably desire a three day holiday in the springtime or early summer, the schools are the ones that make or break whether or not it is a major holiday, so I would say irrespective of the fact that Congress may change Veterans' Day back to a specific date, I would say that for the majority of the people in the state they would probably prefer to have a three day Memorial Day holiday which will be the case if we do not override the veto, and so I therefore urge you not to override it."

Further debate ensued.

The President declared the question before the Senate to be the motion by Senator Odegaard that the Senate do pass Engrossed Senate Bill No. 2011 notwithstanding the Governor's veto.

ROLL CALL

The Secretary called the roll and Engrossed Senate Bill No. 2011 passed the Senate, notwithstanding the Governor's veto, by the following vote: Yeas, 34; nays, 14; excused, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bottiger, Buffington, Cunningham, Day, Donohue, Francis, Goltz, Guess, Henry, Herr, Jolly, Keefe, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wilson, Woody—34.

Voting nay: Senators Bluechel, Clarke, Fleming, Gould, Grant, Jones, Matson, Morrison, Murray, Newschwander, North, Sellar, Wanamaker, Washington—14.

Excused: Senator Lewis (Harry)—1.

ENGROSSED SENATE BILL NO. 2011 having received the constitutional two-thirds majority, was declared passed notwithstanding the Governor's veto. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

March 21, 1975.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2171 with the following amendment:

On page 1, line 7, after "recognizance" strike "or admitted to bail", and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

MOTION

On motion of Senator Mardesich, the Senate concurred in the House amendment to Engrossed Senate Bill No. 2171.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2171, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—47.

Voting nay: Senator Van Hollebeke—1.

Excused: Senator Lewis (Harry)—1.

ENGROSSED SENATE BILL NO. 2171, 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.

MOTIONS

On motion of Senator Mardesich, the Senate advanced to the sixth order of business.

On motion of Senator Mardesich, Senate Bill No. 2230 was ordered to hold its place on the second reading calendar for Wednesday, March 26, 1975.

SECOND READING

SENATE BILL NO. 2092, by Senators Francis, Woody and Jones:
Enacting a new criminal code for crime against persons.

MOTIONS

On motion of Senator Francis, Substitute Senate Bill No. 2092 was substituted for Senate Bill No. 2092 and the substitute bill was placed on second reading and read the second time in full.

Senator Newschwander moved adoption of the following amendment by Senators Newschwander, Rasmussen, Guess and Stortini:

On page 11, Sec. 9A.32.030, beginning on line 14 strike all material down to and including the material on page 13, line 2 and insert:

"(1) A person is guilty of murder in the first degree when the killing of a human being is committed under or accompanied by any of the following circumstances:

(a) The victim was either a law enforcement officer in uniform or a fireman killed in the course of performing his official duties; or

(b) At the time of the act resulting in the killing, the defendant was imprisoned in a state correctional institution serving a maximum term of life imprisonment; or

(c) At the time of the act resulting in the killing, the defendant was either resisting lawful arrest, or escaping from lawful custody in a county or city jail or a state correctional institution; or

(d) At the time of the act resulting in the killing, the defendant was engaged in the hijacking of any type of conveyance, including but not limited to, aircraft, vehicles, vessels, or trains, which are used to transport passengers; or

(e) The defendant had committed the killing pursuant to an agreement that he receive money or other thing of value for committing the killing; or

(f) The defendant had solicited another to commit the killing and had paid or agreed to pay such person money or other thing of value for committing the killing.

(2) Any person found guilty of murder in the first degree shall be punished by the mandatory sentence of death. Once a person is found guilty of murder in the first degree, neither the court nor the jury shall have any discretion in suspending or deferring the imposition or execution of the sentence of death. Such sentence shall be automatic upon any conviction of first degree murder. The death sentence shall take place at the state penitentiary under the direction of and pursuant to arrangements made by the superintendent thereof: PROVIDED, That the time when such execution shall take place shall be set by the trial judge at the time of imposing sentence and as a part thereof.

NEW SECTION. Sec. 9A.32.040. MURDER IN THE SECOND DEGREE.

(1) A person is guilty of murder in the second degree when the killing of a human being, not in a class described in 9A.32.030, is committed under or accompanied by any of the following circumstances:

(a) With a premeditated intent to cause the death of another person, he causes the death of such person or of a third person; or

(b) Under circumstances manifesting an extreme indifference to human life, he engages in conduct which creates a grave risk of death to any person, and thereby causes the death of a person; or

(c) He commits or attempts to commit the crime of either (1) robbery, in the first or second degree, (2) rape in the first or second degree, (3) burglary in the first degree, (4) arson in the first degree, or (5) kidnaping, in the first or second degree, and, in the course of and in furtherance of such crime or in immediate flight therefrom, he, or another participant, causes the death of a person other than one of the participants; except that in any prosecution under this subdivision (1)(c) in which the defendant was not the only participant in the underlying crime, if established by the defendant by a preponderance of the evidence, it is a defense that the defendant:

(i) Did not commit the homicidal act or in any way solicit, request, command, importune, cause, or aid the commission thereof; and

(ii) Was not armed with a deadly weapon, or any instrument, article, or substance readily capable of causing death or serious physical injury; and

(iii) Had no reasonable grounds to believe that any other participant was armed with such a weapon, instrument, article, or substance; and

(iv) Had no reasonable grounds to believe that any other participant intended to engage in conduct likely to result in death or serious physical injury.

(2) Any person convicted of the crime of murder in the second degree shall be sentenced to life imprisonment.

NEW SECTION. Sec. 9A.32.050. MURDER IN THE THIRD DEGREE.

(1) A person is guilty of murder in the third degree when:

(a) With intent to cause the death of another person but without premeditation, he causes the death of such person or of a third person; or

(b) He commits or attempts to commit any felony other than those enumerated in section 9A.32.040(c), and, in the course of and in furtherance of such crime or in immediate flight therefrom, he, or another participant, causes the death of a person other than one of the participants; except that in any prosecution under this subdivision (1)(b) in which the defendant was not the only participant in the underlying crime, if established by the defendant by a preponderance of the evidence, it is a defense that the defendant:

(i) Did not commit the homicidal act or in any way solicit, request, command, importune, cause, or aid the commission thereof; and

(ii) Was not armed with a deadly weapon, or any instrument, article, or substance readily capable of causing death or serious physical injury; and

(iii) Had no reasonable grounds to believe that any other participant was armed with such a weapon, instrument, article, or substance; and

(iv) Had no reasonable grounds to believe that any other participant intended to engage in conduct likely to result in death or serious physical injury.

(2) Murder in the third degree is a Class A felony."

QUESTION OF CONSIDERATION

Senator Bluechel raised the question of consideration on the amendment by Senators Newschwander, Rasmussen, Guess and Stortini.

POINT OF ORDER

Senator Day: "It would appear that Senator Newschwander's amendment strikes the portion of the bill that my amendment would amend. Maybe mine should be considered first."

RULING BY THE PRESIDENT

The President: "Senator Day's remarks are well taken. The Senate will consider the amendment by Senator Day."

Senator Day moved adoption of the following amendment:

On page 12, line 11, after "imprisonment" and before the period, insert "; PROVIDED, That if the crime of murder in the first degree be for the murder of a law enforcement officer or a fireman, in performance of their duties, for the murder of a guard at a penal institution, or a murder committed during the perpetration of the crime of carnal knowledge, any person so found guilty shall be punished by the mandatory sentence of death. Once a person is found guilty of murder in the first degree under these circumstances, neither the court nor the jury shall have any discretion in suspending or deferring the imposition or execution of the sentence of death. Such sentence shall be automatic upon any conviction of first degree murder. The death sentence shall take place at the state penitentiary under the direction of and pursuant to arrangements made by the superintendent thereof"

QUESTION OF CONSIDERATION

Senator Bluechel raised the question of consideration on the amendment by Senator Day.

MOTION

Senator Guess moved that the rules be suspended and Senator Day be permitted to discuss his motion.

PARLIAMENTARY INQUIRY

Senator Bluechel: "Is it possible to override the question of consideration by a suspension of rules?"

Senator Guess: "To answer the Senator's question by reference to a decision which was made on this floor in 1965, Mr. President, I would like to answer Senator Bluechel's question to you by citing a decision that was made by the Chair in 1965 when a point of consideration was raised by a Senator on this floor of another Senator and Senator Greive moved that the rules be suspended and that the mover of the motion be permitted to make a motion and to discuss that motion before the vote was taken."

Senator Bluechel: "I would refer to Rule 110 in answer to Senator Guess's objection to that point, and it states in Reed's Rule 110 that upon the asking of the question of consideration, 'Thereupon, without debate, the assembly divides upon the question of consideration. If decided in the negative, the main question remains as if it had not been brought up; if decided in the affirmative, the business then proceeds.'"

Senator Guess: "That still does not answer the question though. I think that the body can do anything it wishes by the suspension of the rules. And if you listen to Reed's Rule 110 that Senator Bluechel just read, this would not entertain a suspension of the rules, and yet the body can suspend the rules any time they wish."

Debate ensued.

RULING BY THE PRESIDENT

The President: "Senator Guess, in ruling upon your motion, the President finds your remarks well taken. Rule 28 states: 'Adoption of permanent rules may be by simple majority without notice, but a rule or order may be temporarily suspended for a special purpose by a vote of two-thirds of the members present.'"

The motion by Senator Guess carried and under suspension of the rules Senator Day was permitted to explain his amendment.

PARLIAMENTARY INQUIRY

Senator Francis: "Does the motion on suspension of the rules include debate on Senator Day's amendment?"

REPLY BY THE PRESIDENT

The President: "The President believes that your remarks are correct, Senator Francis."

Debate ensued.

POINT OF INQUIRY

Senator Woody: "Would Senator Francis yield? Under the proposed new bill that we will be discussing within the next week, is there a definition of carnal knowledge?"

Senator Francis: "Two of the proposed rape bills would replace the present carnal knowledge statute with a statutory rape statute and call it that. However, 2198 as amended by the Judiciary Committee which is, I believe, on the calendar, simply leaves the present carnal knowledge statute intact the way it is and does not get involved with that in connection with trying to resolve the problems of victims of rape."

REMARKS BY THE PRESIDENT

The President: "The question of consideration has been raised by Senator Bluechel upon the motion to adopt the amendment proposed by Senator Day. The President wishes to explain that a vote 'aye' will permit consideration of the proposed amendment. A vote 'no' will refuse consideration of the question. As many as are in favor of the question of consideration will say aye. As many as are opposed will say no. The motion is carried. The Senate will proceed with the consideration of the question."

The President declared the question before the Senate to be adoption of the amendment by Senator Day.

Senator Day moved adoption of the following amendment to the amendment:

Amend the Day amendment to page 12, line 11, as follows:

On line 7 of the amendment, strike "during the perpetration of" and insert "in conjunction with" and on line 8, after "crime of" strike "carnal knowledge" and insert "rape"

POINT OF INQUIRY

Senator Bottiger: "Would Senator Day yield to a question? Senator Day, I am not sure whether I am asking this at the right time but I am comparing your amendment to Senator Newschwander's amendment and his amendment was the measure that, I believe, passed the Senate last time. At least I recall, I think that is the one I voted for. The problem in your amendment is, you do not pick up the hired assassin."

Senator Day: "There are a number of things that are not picked up in here. I believe that, as I said, capital punishment is a very serious thing and I wanted this to be as confined as possible and yet as effective as possible."

Senator Bottiger: "Now we have under consideration the question of rape between married people and if a family got into a real good fight and ended up with the death of one of them shortly after a more pleasant relationship or another relationship, we could have a mandatory death sentence in a crime of passion."

Senator Day: "Would that be first degree murder?"

Senator Bottiger: "It would be first degree murder after, I guess, a question of rape had occurred under the amendment Senator Clarke is trying to solve. I am always afraid of these things out on the floor because there is so much else that they turn on. Your statute now is straight rape, or your proposed amendment is straight rape?"

Senator Day: "No, it says, if you read the entire section now: 'Any person convicted of the crime of murder in the first degree' is in the section, and after 'imprisonment' we are adding: 'Provided that the crime of murder in the first degree be the murder of a law enforcement officer or a fireman in the performance of their duties' and then we go on down here. So it was my intention here that this only be considered where there was premeditation and the crime was murder in the first degree."

The motion by Senator Day carried and the amendment to the amendment was adopted.

The President declared the question before the Senate to be adoption of the amendment by Senator Day as amended.

Debate ensued.

There being no objection, the amendment by Senator Day, as amended, was withdrawn.

The President declared the question before the Senate to be the Question of Consideration on the amendment by Senators Newschwander, Rasmussen, Guess and Stortini.

There being no objection, the Question of Consideration by Senator Bluechel was withdrawn.

The President declared the question before the Senate to be consideration of the amendment by Senators Newschwander, Rasmussen, Guess and Stortini moved for adoption earlier today.

Debate ensued.

POINT OF INQUIRY

Senator Knoblauch: "Would Senator Newschwander yield to a question? As a layman, Senator Newschwander, I am wondering why you want to have specific items mentioned in your referendum? Why do we leave out murders in the first degree like the girls that were killed up at Lake Sammamish? What is the difference between killing an officer on duty and some other innocent person? Why don't we just put the whole thing in your referendum? I do not understand why we do not cover everything."

Senator Newschwander: "When we consulted bill drafting and our attorneys, we were concerned with the United States Supreme Court so we tried to come up with a simple bill that we though constitutionally would be ruled our way if it went back to court. But my main objective, like I said before, is at least get a measure before the people. Let them pass on it and then in the years to come let this legislative body review. There are many other more heinous crimes than I have mentioned here that could be included and that would be for the body in the future to make the decision, but my main thing is the constitutionality of this bill."

Senator McDermott moved adoption of the following amendment to the amendment by Senators Newschwander, Rasmussen, Guess and Stortini:

Amend the Newschwander amendment to page 11, line 14 as follows:

On the sixth line of subsection (2) after "place" and before "at" insert "publicly"

Debate ensued.

The motion by Senator McDermott failed and the amendment to the amendment was not adopted.

Senator Mardesich moved adoption of the following amendment to the amendment by Senators Newschwander, Rasmussen, Guess and Stortini:

Amend the Newschwander amendment to page 11, line 14, as follows:

Strike all of subsection (1) (b), and reletter the remaining subsections as (b), (c), (d) and (e).

Debate ensued.

There being no objection, the amendment by Senator Mardesich to the amendment was withdrawn.

MOTION

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

REPLY BY THE PRESIDENT

The President: "The President wishes to reply to your earlier inquiry. In parliamentary reply to Senator Mardesich's inquiry, Senate Concurrent Resolution 109 provides that measures shall be read in no later than Tuesday, March 25, the twelfth legislative day. Rule 59 of the Senate Rules provides that after the first reading bills shall be referred to an appropriate standing committee. The President believes it advisable to return to the fourth order of business. If there are no objections the Senate will return to the fourth order of business. At that time the two measures will be read in and, inasmuch as they will be before the Senate for disposition, a motion to hold the measure over after first reading for a period of time before referral to a standing committee is in order."

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

INTRODUCTION AND FIRST READING

SENATE BILL NO. 2956, by Senators Jolly, Peterson and Sellar:

An Act relating to the state building code; and amending section 8, chapter 96, Laws of 1974 ex. sess. and RCW 19.27.080.

MOTION

On motion of Senator Fleming, Senate Bill No. 2956 was referred to the Committee on Local Government.

INTRODUCTION AND FIRST READING

SENATE BILL NO. 2962, by Senators Scott and Morrison:

An Act relating to industrial insurance; amending section .11.07, chapter 79, Laws of 1947 as amended by section 5, chapter 197, Laws of 1953 and RCW 48.11.070; amending section 51.04.020, chapter 23, Laws of 1961 as amended by section 1, chapter 29, Laws of 1963 and RCW 51.04.020; amending section 51.04.030, chapter 23, Laws of 1961 as amended by section 74, chapter 289, Laws of 1971 ex. sess. and RCW 51.04.030; amending section 51.04.070, chapter 23, Laws of 1961 and RCW 51.04.070; amending section 51.04.090, chapter 23, Laws of 1961 and RCW 51.04.090; amending section 51.04.100, chapter 23, Laws of 1961 and RCW 51.04.100; amending section 88, chapter 289, Laws of 1971 ex. sess. as amended by section 5, chapter 43, Laws of 1972 ex. sess. and RCW 51.08.175; amending section 51.12.050, chapter 23, Laws of 1961 as amended by section 8, chapter 43, Laws of 1972 ex. sess. and RCW 51.12.050; amending section 51.12.070, chapter 23, Laws of 1961 as last amended by section 81, chapter 289, Laws of 1971 ex. sess. and RCW 51.12.070; amending section 82, chapter 289, Laws of 1971 ex. sess. as amended by section 12, chapter 43, Laws of 1972 ex. sess. and RCW 51.12.120; amending section 26, chapter 289, Laws of 1971 ex. sess. and RCW 51.14.010; amending section 30, chapter 289, Laws of 1971 ex. sess. and RCW 51.14.050; amending section 34, chapter 289, Laws of 1971 ex. sess. and RCW 51.14.100; amending section 35, chapter 289, Laws of 1971 ex. sess. and RCW 51.14.110; amending section 51.16.060, chapter 23, Laws of 1961 as last amended by section 1, chapter 32, Laws of 1973 1st ex. sess. and RCW 51.16.060; amending section 51.16.105, chapter 23, Laws of 1961 as last amended by section 8, chapter 52, Laws of 1973 1st ex. sess. and RCW 51.16.105; amending section 51.16.140, chapter 23, Laws of 1961 as last amended by section 2, chapter 110, Laws of 1973 and RCW 51.16.140; amending section 87, chapter 289, Laws of 1971 ex. sess. and RCW 51.16.155; amending section 51.16.160, chapter 23, Laws of 1961 as amended by section 78, chapter 289, Laws of 1971 ex. sess. and RCW 51.16.160; amending section 51.16.170, chapter 23, Laws of 1961 and RCW 51.16.170; amending section 51.16.180, chapter 23, Laws of 1961 as amended by section 79, chapter 289, Laws of 1971 ex. sess. and RCW 51.16.180; amending section 51.24.010, chapter 23, Laws of 1961 as last amended by section 93, chapter 154, Laws of 1973 1st ex. sess. and RCW 51.24.010; amending section 51.28.020, chapter 23, Laws of 1961 as amended by section 38, chapter 289, Laws of 1971 ex. sess. and RCW 51.28.020; amending section 39, chapter 289, Laws of 1971 ex. sess. and RCW 51.28.025; amending section 51.28.030, chapter 23, Laws of 1961 as last amended by section 17, chapter 43, Laws of 1972 ex. sess. and RCW 51.28.030; amending section 51.32.030, chapter 23, Laws of 1961 and RCW 51.32.030; amending section 1, chapter 30, Laws of 1974 ex. sess. and RCW 51.32.040; amending section 46, chapter 289, Laws of 1971 ex. sess. and RCW 51.32.055; amending section 17, chapter 289, Laws of 1971 ex. sess. as last amended by section 3, chapter 110, Laws of 1973 and RCW 51.32.073; amending section 12, chapter 289, Laws of 1971 ex. sess. as amended by section 23, chapter 43, Laws of 1972 ex. sess. and RCW 51.32.095; amending section 51.32.110, chapter 23, Laws of 1961 as amended by section 13, chapter 289, Laws of 1971 ex. sess. and RCW 51.32.110; amending section 51.32.130, chapter 23, Laws of 1961 and RCW 51.32.130; amending section 47, chapter 289, Laws of 1971 ex. sess. as amended by section 25, chapter 43, Laws of 1972 ex. sess. and RCW 51.32.190;

amending section 48, chapter 289, Laws of 1971 ex. sess. and RCW 51.32.200; amending section 51.36.020, chapter 23, Laws of 1961 as last amended by section 51, chapter 289, Laws of 1971 ex. sess. and RCW 51.36.020; amending section 52, chapter 289, Laws of 1971 ex. sess. and RCW 51.36.050; amending section 53, chapter 289, Laws of 1971 ex. sess. and RCW 51.36.060; amending section 54, chapter 289, Laws of 1971 ex. sess. and RCW 51.36.070; amending section 51.44.030, chapter 23, Laws of 1961 and RCW 51.44.030; amending section 18, chapter 289, Laws of 1971 ex. sess. and RCW 51.44.033; 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; amending section 51.44.080, chapter 23, Laws of 1961 as last amended by section 29, chapter 43, Laws of 1972 ex. sess. and RCW 51.44.080; amending section 58, chapter 289, Laws of 1971 ex. sess. as amended by section 30, chapter 43, Laws of 1972 ex. sess. and RCW 51.44.140; amending section 51.48.010, chapter 23, Laws of 1961 as amended by section 61, chapter 289, Laws of 1971 ex. sess. and RCW 51.48.010; amending section 62, chapter 289, Laws of 1971 ex. sess. and RCW 51.48.015; amending section 66, chapter 289, Laws of 1971 ex. sess. and RCW 51.48.017; amending section 51.48.020, chapter 23, Laws of 1961 as amended by section 63, chapter 289, Laws of 1971 ex. sess. and RCW 51.48.020; amending section 51.48.040, chapter 23, Laws of 1961 and RCW 51.48.040; amending section 51.48.050, chapter 23, Laws of 1961 and RCW 51.48.050; amending section 51.48.070, chapter 23, Laws of 1961 and RCW 51.48.070; amending section 51.48.090, chapter 23, Laws of 1961 and RCW 51.48.090; amending section 65, chapter 289, Laws of 1971 ex. sess. and RCW 51.48.110; amending section 32, chapter 43, Laws of 1972 ex. sess. and RCW 51.48.120; amending section 33, chapter 43, Laws of 1972 ex. sess. and RCW 51.48.130; amending section 34, chapter 43, Laws of 1972 ex. sess. and RCW 51.48.140; amending section 35, chapter 43, Laws of 1972 ex. sess. and RCW 51.48.150; amending section 51.52.030, chapter 23, Laws of 1961 and RCW 51.52.030; adding new sections to Title 51 RCW; adding new sections to chapter 23, Laws of 1961 and to chapter 51.08 RCW; repealing section 36, chapter 289, Laws of 1971 ex. sess. and RCW 51.14.070; repealing section 16, chapter 289, Laws of 1971 ex. sess. and RCW 51.16.035; repealing section 51.16.090, chapter 23, Laws of 1961 and RCW 51.16.090; repealing section 51.16.100, chapter 23, Laws of 1961 and RCW 51.16.100; repealing section 51.16.110, chapter 23, Laws of 1961, section 4, chapter 289, Laws of 1971 ex. sess. and RCW 51.16.110; repealing section 51.16.120, chapter 23, Laws of 1961, section 13, chapter 43, Laws of 1972 ex. sess. and RCW 51.16.120; repealing section 51.16.130, chapter 23, Laws of 1961, section 14, chapter 43, Laws of 1972 ex. sess. and RCW 51.16.130; repealing section 26, chapter 43, Laws of 1972 ex. sess. and RCW 51.32.210; repealing section 51.44.040, chapter 23, Laws of 1961, section 27, chapter 43, Laws of 1972 ex. sess. and RCW 51.44.040; repealing section 51.44.050, chapter 23, Laws of 1961 and RCW 51.44.050; repealing section 51.44.060, chapter 23, Laws of 1961, section 28, chapter 43, Laws of 1972 ex. sess. and RCW 51.44.060; repealing section 59, chapter 289, Laws of 1971 ex. sess. and RCW 51.44.150; proclaiming an emergency; and prescribing an effective date.

Senate Bill No. 2962 was read the first time.

MOTION

On motion of Senator Mardesich, Senate Bill No. 2962 was ordered held on the Introduction and First Reading calendar for Wednesday, March 26, 1975.

SENATE JOINT RESOLUTION NO. 134, by Senators Lewis (Harry), Mardesich, Beck, Day, Peterson, Matson, Murray, Bailey, Donohue, Knoblauch, Washington and Fleming:

Setting legislator's salaries at \$8,400 per year.

Referred to Committee on Constitution and Elections.

SENATE CONCURRENT RESOLUTION NO. 110, by Senators Newschwander and Donohue:

Mandating institutions of higher education to consider comments of legislature and council on higher education prior to establishing satellite campus.

Referred to Committee on Higher Education.

MOTIONS

On motion of Senator Van Hollebeke, the Committee on Local Government was relieved from further consideration of Senate Bill No. 2970.

On motion of Senator Van Hollebeke, Senate Bill No. 2970 was referred to the Committee on Commerce.

At 12:48 p.m., on motion of Senator Mardesich, the Senate adjourned until 10:15 a.m., Wednesday, March 26, 1975.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

THIRTEENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, March 26, 1975.

The Senate was called to order at 10:15 a.m. by President Pro Tempore Henry. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senator Scott.

The Color Guard, consisting of Pages Mary Langen and Jeff Brantner, presented the Colors. Reverend Father Sam G. Poulos, pastor of the Greek Orthodox Church of the Assumption of Seattle, offered the following prayer:

"ALMIGHTY GOD, OUR HELP AND REFUGE, THE FOUNTAIN OF WISDOM AND THE TOWER OF STRENGTH, YOU WHO KNOW WE CAN DO NOTHING WITHOUT YOUR GUIDANCE AND HELP, ASSIST US, I PRAY, AND DIRECT US TO DIVINE WISDOM AND POWER SO THAT THE MIGHTY TASK OF DIRECTING THIS GREAT STATE OF OURS MAY BE ACCOMPLISHED, AND WHATEVER THIS BODY MAY UNDERTAKE, LET IT BE DONE FAITHFULLY AND DILIGENTLY, ACCORDING TO YOUR WILL, SO THAT IT MAY BE BENEFICIAL TO OUR FELLOW CITIZENS OF WASHINGTON. BY THY MERCY WE ASK FOR THY BLESSINGS. AMEN."

MOTION

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

REPORTS OF STANDING COMMITTEES

March 25, 1975.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 2048, revising laws on boating (reported by Committee on Parks and Recreation):

MAJORITY recommendation: That Third Substitute Senate Bill No. 2048 be substituted therefor and the substitute bill do pass.

Signed by: Senators Knoblauch, Chairman; Gould, Wanamaker.
Passed to Committee on Rules for second reading.

March 25, 1975.

SENATE BILL NO. 2243, revising laws on filiation proceedings and enacting the uniform parentage act (reported by Judiciary Committee):

MAJORITY recommendation: That Substitute Senate Bill No. 2243 be substituted therefor and the substitute bill do pass.

Signed by: Senators Francis, Chairman; Buffington, Clarke, Jones, Keefe, Scott.
Passed to Committee on Rules for second reading.

March 25, 1975.

SENATE BILL NO. 2427, regulating the disposal of hatchery fish by the department of fisheries (reported by Committee on Natural Resources):

MAJORITY recommendation: That Substitute Senate Bill No. 2427 be substituted therefor and the substitute bill do pass.

Signed by: Senators Peterson, Chairman, Beck, Bluechel, Grant, Pullen, Sandison, Talley.

Passed to Committee on Rules for second reading.

March 25, 1975.

SENATE BILL NO. 2889, relating to the regulation of certain businesses (reported by Committee on Commerce):

Recommendation: Do pass as amended.

Signed by: Senators Van Hollebeke, Chairman; Cunningham, Morrison, Peterson, Ridder.

Passed to Committee on Rules for second reading.

March 25, 1975.

ENGROSSED HOUSE BILL NO. 295, providing for, and regulation of, bank conservators (reported by Committee on Financial Institutions):

MAJORITY recommendation: Do pass.

Signed by: Senators Woody, Chairman; Bluechel, Clarke, Jones.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE GOVERNOR

Office of the Governor, March 25, 1975.

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

LADIES AND GENTLEMEN:

I have the honor to advise that on March 24, 1975, Governor Evans approved the following Senate Bills, entitled:

SENATE BILL NO. 2041: Requiring counties to retain an easement or right to exercise and grant easements whenever a county road or any portion thereof is vacated.

SENATE BILL NO. 2051: Increasing professional engineer and land surveyor fees.

SENATE BILL NO. 2055: Recovering attorney's fees in cases of illegal odometer replacement.

SENATE BILL NO. 2078: Amending the motor vehicle code.

SENATE BILL NO. 2107: Establishing interest rate for tort judgments against governmental agencies.

SENATE BILL NO. 2147: Controlling the use of herbicides.

SENATE BILL NO. 2170: Deleting the taking of a horse, team or automobile without authority from crime of destruction of property.

SENATE BILL NO. 2177: Transferring assessment of punishment in municipal courts from jury to judge.

SENATE BILL NO. 2182: Revising law on jury fees.

SENATE BILL NO. 2220: Removing mandatory delay for issuance of certain county warrants.

SENATE BILL NO. 2233: Amending laws relating to dissolution of marriage.

SENATE BILL NO. 2250: Making state laws and rules and regulations presently applicable to cities of 500,000 or more applicable to cities of 400,000 or more.

SUBSTITUTE SENATE BILL NO. 2259: Providing for liens to enforce payment of employers' contributions to employee benefit plans.

SENATE BILL NO. 2266: Changing deadline date for stockholders meetings of banks.

SENATE BILL NO. 2331: Granting certain powers to a metropolitan municipal corporation authorized to perform water pollution abatement.

Sincerely,
CHI-DOOH LI
Legal Counsel

MESSAGE FROM THE HOUSE

March 25, 1975.

Mr. President: The House has passed:

HOUSE BILL NO. 171,

SUBSTITUTE HOUSE BILL NO. 177,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 401,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 413, and the same are herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

MOTION

On motion of Senator Mardesich, Senate Bill No. 2962 which was read the first time on Tuesday, March 25, 1975 wa ordered held for referral to April 2, 1975.

INTRODUCTION AND FIRST READING

HOUSE BILL NO. 171, by Representatives Hansen, Hayner and Clemente (by Department of Highways request):

Prescribing motor vehicle gross weight limits.

Referred to Committee on Transportation and Utilities.

SUBSTITUTE HOUSE BILL NO. 177, by Committee on Transportation and Utilities (originally sponsored by Representatives Leckenby, Hansen and McCormick) (by Office of Program Planning and Fiscal Management request):

Making changes in laws relating to all-terrain vehicles.

Referred to Committee on Transportation and Utilities.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 401, by Committee on Social and Health Services (originally sponsored by Representatives Paris, Shinpoch, Chandler, Adams, Parker, Fortson, Bond and Deccio):

Adding new provisions to laws relating to burial.

Referred to Committee on Social and Health Services.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 413. by Committee on Education (originally sponsored by Representatives Wojahn, O'Brien, Pardini, Sommers, Fortson, Valle, Brown, Haley, Lysen, Bagnariol and Maxie):

Implementing law to eliminate sex discrimination in the public schools.
Referred to Committee on Education.

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

MESSAGE FROM THE HOUSE

March 21, 1975.

Mr. President: The House has passed Senate Bill No. 2079 with the following amendments:

On line 3 of the title after "RCW 82.50.170;" strike the word "and"

On line 4 of the title after "RCW 82.50.440" and before the period insert "; and repealing section 62, chapter 299, Laws of 1971 ex. sess. and RCW 82.50.470"

On page 2 after line 7 add a new section to read as follows:

"*NEW SECTION.* Sec. 3. Section 62, chapter 299, Laws of 1971 ex. sess. and RCW 82.50.470 are each hereby repealed., and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

MOTION

On motion of Senator Walgren, the Senate refused to concur in the House amendments to Senate Bill No. 2079 and asks the House to recede therefrom.

SIGNED BY THE PRESIDENT

The President signed:
SENATE BILL NO. 2171.

APPOINTMENT OF SPECIAL COMMITTEE

President Pro Tempore Henry announced the presence in the Senate Chamber of the Stanwood-Camano County Fair Royalty and appointed Senators Wanamaker, Morrison, Grant and Woody as a committee of honor to escort the guests to the Senate rostrum.

President Pro Tempore Henry turned the gavel over to Senator Wanamaker who introduced Queen Deede Bennet and Princesses Sharon Johnson, Melissa Hubschmidt and Nancy Fields.

With permission of the Senate, business was suspended to permit Queen Deede to address the Senate.

The committee of honor escorted the honored guests from the Senate Chamber and the committee was discharged.

MOTION

On motion of Senator Mardesich, the Senate resumed consideration of Substitute Senate Bill No. 2092.

SECOND READING

SUBSTITUTE SENATE BILL NO. 2092, by Judiciary Committee (originally sponsored by Senators Francis, Woody and Jones):

Enacting a new criminal code for crime against persons.

The Senate resumed consideration of Substitute Senate Bill No. 2092 and an amendment beginning on page 11 by Senators Newschwander, Rasmussen, Guess and Stortini which was moved for adoption by Senator Newschwander on Tuesday, March 25, 1975:

On motion of Senator Day, the following amendment to the amendment by Senators Newschwander, Rasmussen, Guess and Stortini was adopted:

Following subsection (f) insert a new subsection as follows:

“(g) The defendant had committed the crime of murder during or in conjunction with the crime of carnal knowledge or rape.”

The President declared the question before the Senate to be adoption of the amendment by Senators Newschwander, Rasmussen, Guess and Stortini, as amended.

Debate ensued.

Senator Goltz moved adoption of the following amendment to the amendment by Senators Newschwander, Rasmussen, Guess and Stortini:

Strike all of subsection (2) and insert:

“(2) Thou shall not kill, even as a punishment for murder in the first degree.”

Further debate ensued.

POINT OF INQUIRY

Senator Knoblauch: “If I may, I would like to ask Senator Francis if he would yield to a question. Senator Francis, if this amendment passes, and you have pointed out that it is not well written, if this amendment passes the Senate, do you then expect to have a hearing in your committee on the present bill that you mentioned and bring a proper measure to the floor of the Senate?”

Senator Francis: “Senator Knoblauch, I had thought about that. It seems to me that the best course of action would be to go ahead and have the hearing that is already scheduled anyway and I have no reason to cancel it. I do not see any reason why I would, no matter which way this bill or this amendment goes.”

Senator Knoblauch: “Senator Francis, would you again repeat your statement a moment ago about the present amendment, what you thought was wrong with the present amendment.”

Senator Francis: “Senator Knoblauch, the only thing I pointed out is that it does not say who does the killing, what relation that is to the person being guilty of murder. I did not go into any other aspects of it other than the first two lines there which I think are not well worded, in fact, not adequately worded. I did not mean to suggest that the rest of it would be unconstitutional because I have not had a chance to make that kind of an analysis.”

Further debate ensued.

The motion by Senator Goltz failed and the amendment to the amendment was not adopted.

Senator Newschwander demanded a roll call and the demand was sustained by Senators Herr, Talley, Sandison, Donohue, Francis, Van Hollebeke, Bailey, Rasmussen and Jones.

Further debate ensued.

President Pro Tempore Henry declared the question before the Senate to be roll call on the amendment by Senators Newschwander, Rasmussen, Guess and Stortini as amended by Senator Day.

ROLL CALL

The Secretary called the roll and the amendment, as amended, was not adopted by the following vote: Yeas, 17, nays, 32.

Voting yea: Benitz, Clarke, Day, Guess, Lewis (R. H. “Bob”), Mardesich, Matson, Morrison, Newschwander, North, Pullen, Rasmussen, Sellar, Talley, Walgren, Wanemaker, Wilson—17.

Voting nay: Senators Bailey, Beck, Bluechel, Bottiger, Buffington, Cunningham, Donohue, Fleming, Francis, Goltz, Gould, Grant, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Marsh, McDermott, Murray, Odegaard, Peterson, Ridder, Sandison, Scott, Stortini, Van Hollebeke, von Reichbauer, Washington, Woody—32.

STATEMENT FOR SENATE RECORD BY SENATOR GEORGE W. SCOTT ON NEWSCHWANDER AMENDMENT TO SB 2092, REINSTITUTING CAPITAL PUNISHMENT

The amendment was improperly drafted and did not cover many situations that

may be classified as murder in the first degree. Further, in order to escape a gubernatorial veto, a referendum had to be attached to an important modernization of a larger portion of the criminal code.

The amendment, therefore, constitutes an improper motion, an aberration of the legislative process, done without benefit of committee inspection. For these reasons I voted "no," despite the fact that I feel capital punishment is called for.

Senator Pullen moved adoption of the following amendment:

On page 12, line 11, after "imprisonment" and before the period insert:

": PROVIDED, That any person sentenced under this section shall not have the term of life imprisonment suspended, deferred, or commuted by any judicial officer: PROVIDED FURTHER, That the board of prison terms and paroles shall never reduce the period of confinement nor shall the board release the convicted person 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".

Debate ensued.

The motion by Senator Pullen failed and the amendment was not adopted on a rising vote.

Senator Cunningham moved adoption of the following amendment by Senators Cunningham, Day and Keefe:

On page 17, line 1, after "age of" strike "sixteen" and insert "eighteen"

Debate ensued.

The motion by Senator Cunningham carried and the amendment was adopted.

On motion of Senator Francis, the rules were suspended, Engrossed Substitute Senate Bill No. 2092 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 Fleming: "Would Senator Francis yield to a question? Senator Francis, recognizing that you would be more of an expert in this area than I, I am wondering. You indicated that in the area of use of force, little or no change has been made under the present law. My question would be, under the use of force when justified it says, 'The use, attempt or offer to use force upon or toward the person of another shall not be unlawful in the following cases: (1) wherever necessarily used by a police officer in the performance of a legal duty or a person assisting him and acting under his direction.' Now under this code that we are adopting here today, would there be any difference or any different remedy or any different course of action that could or could not be taken in the example, as the case that they are having in Seattle now, where the police stopped an individual because he was, I guess, a suspect, someone that they thought had stolen a car or whatever. I do not know the necessary details but the end result was that the policeman killed the young man and the policeman had indicated that he thought he saw something shining in the young man's hand or whatever. I do not know those details, but the young man was shot, from my understanding, in the back of the head, and it might not show that the police officer was defending his life or was in danger or whatever it is. Would the law now, as you are proposing it, do anything as a course of action of the parents who would be trying to get to the policeman for recklessly or whatever using his weapon?"

Senator Francis: "Senator Fleming, whatever we do we will not change what may or may not exist as a cause of action, because the right of the parties there were fixed as of the time the event occurred. If a similar situation came up in the future, let me point out that both (1) and (2) on page 8 say 'whenever necessarily used.' Now that is a very strict standard. That does not mean whenever he reasonably thought it was necessary. That is not a subjective standard, it is an objective standard. It goes to the jury on the question, not of whether it was reasonable for him to think it was necessary to use that deadly force, but whether it actually was necessary. So he has a great deal of risk that he

is undertaking any time he undertakes to use that kind of force. He has to be able to later prove by hindsight that it was necessary and that the person he was arresting had committed the felony. And those are very tough standards to meet.”

Further debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2092, and the bill passed the Senate by the following vote: Yeas, 46; nays, 3.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. “Bob”), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, North, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, Walgren, Wana-maker, Washington, Wilson, Woody—46.

Voting nay: Senators Newschwander, Pullen, von Reichbauer—3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2092, having received the 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 Mardesich, the Senate commenced consideration of Senate Bill No. 2313.

SECOND READING

SENATE BILL NO. 2313, by Senators Morrison and Jones:
Enacting a new criminal code relating to victimless crimes.

MOTIONS

On motion of Senator Francis, Substitute Senate Bill No. 2313 was substituted for Senate Bill No. 2313 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Francis, the rules were suspended, Substitute Senate Bill No. 2313 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

MOTION

On motion of Senator Bailey, the Senate was declared to be at ease.

President Pro Tempore Henry called the Senate to order.

The Senate resumed consideration of Substitute Senate Bill No. 2313 on third reading..

POINT OF INQUIRY

Senator Cunningham: “Would Senator Francis yield to a question? Senator Francis, one thing I would like to ask, on page 7 of the bill you refer several times to sexual conduct. In that I cannot find that specific phrase defined anywhere in the act. I simply would like to ask what the definition is of sexual conduct as referred to specifically in this bill, Substitute Senate Bill 2313?”

Senator Francis: “That is a good question, Senator, and it has been defined by case law to include not only sexual intercourse but other kinds of acts which generally result in a sexual climax and the definition probably had best be left to continue to expand by case law, because otherwise, and this is assuming that you agree with the policy behind this bill which is that prostitution is an evil which should be stamped out, because this bill clearly clamps down on prostitution. And if you more narrowly define sexual conduct, I think you will find that there will be someone creative and ingenious enough to find a way around it every time. And this has been kind of the long continuing problem of prostitution cropping up in new guises all the time and so forth, so that I would think that case by case development of the definition would probably be appropriate for this particular criminal conduct.”

Senator Cunningham: "To continue with a question to Senator Francis: Senator Francis, I have already said I think the package is fine but what I am concerned about is here a person is going to be guilty of a misdemeanor simply to agree, and I think the definition is just too broad and I am wondering, you know, different strokes for different folks. I do not think we want to run the police into the ground on this thing. Now if you are trying to say, define sexual conduct as intercourse, then I do not know why you do not do it in the bill although I see you are not the prime sponsor on the bill, it is out of your committee, and give these people some hard facts to work with and not be this general. I still want to know why you will not define in the bill."

Senator Francis: "Senator Cunningham, again, I certainly am not speaking for myself when I am trying to tell you how the bill got to where it is. I personally would advocate the decriminalization of prostitution and have consistently advocated the decriminalization of prostitution. In Seattle it is estimated that the police department spends a million dollars a year working on trying to entrap people who have engaged in conduct otherwise legal but where there is financial remuneration in one direction or another and therefore we classify it as illegal. I think it is silly to waste our time trying to tell people they cannot spend their money in this area but that is the considered judgment, at least of the Judiciary Committee, and my job is to explain what we are doing here. Now if you accept the premise that we have to, through the use of law, enforce the prohibition against people passing money back and forth in connection with sexuality, then you have to look at the difficult problem that law enforcement has. For example, Lynnwood recently not only outlawed, they had long since outlawed body painting studios. They then passed an ordinance outlawing sauna parlors and dating bureaus, and they had some evidence that people who were putting together dating bureaus and escort services were merely using this as a means where men could meet women and then things might progress further and apparently some of the proprietors, at least they suspected, had exactly that in mind, that this would be another front for prostitution. I can name you several other kinds of apparently legitimate business operations that the police have gone into and have at least developed some evidence that they in some way or another involve an exchange of money for sexual conduct of some nature. And so the law enforcement people that we are handing the very tough job of policing, and it is a tough job because the people involved, you know, since there is no victim, are not reporting it, so you have to go get some kind of James Bond type to infiltrate the operation and come up with a big 'aha' and say 'Look at there, I got you.' And because of that it is very, very tough to enforce. This proposal here would definitely tighten up the law against prostitution and make it easier to enforce."

POINT OF INQUIRY

Senator Lewis (Harry): "Will Senator Francis yield? Senator Francis, I am concerned particularly about the prostitution section and you mentioned entrapment and I am concerned about the entrapment possibilities. Supposing a female Seattle police officer were to get into a discussion with another person with some kind of an understanding, no matter how vague, that there was to be some type of sexual conduct which is undefined in this statute and you say relies upon case law. Could that Seattle police officer arrest that person and would this not be entrapment? Is that situation a real possibility if this bill passes?"

Senator Francis: "In response to Senator Lewis's question I refer you to Section 9A.16.070 of Substitute Senate Bill 2093 which we have already passed, and that section defines entrapment, saying that in any prosecution for a crime is the defense that '(a) the criminal design originated in the mind of law enforcement officials or any person acting under the direction' and (b) 'the actor was lured or induced to commit a crime which the actor had not otherwise intended to commit.' and then it goes on to say the defense of entrapment is not established by a showing only that law enforcement officials merely afforded the actor an opportunity to commit a crime. Basically, that definition of entrapment, I think, fits your situation. If someone is literally enticed into doing something they had not given a thought to doing, probably entrapment would be there, but if they afford someone who already intends to engage in this act, if they afford them the

opportunity, that is not and never has been entrapment. And I do not think that the change in our definitions here would change what constitutes entrapment except to the extent that, if anything, it might broaden some of the activities yo could be entrapped into. I especially should point out that for promoting prostitution or even for supplying a place knowingly and without taking any action against it, supplying a place for prostitution, and you know there was a recent TV documentary on that. Some of the people who profiteer in that respect. The bill itself is designed to get at a lot of related and collateral activities in addition to the direct act of prostitution itself.”

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2313 and the bill failed to pass the Senate by the following vote: Yeas 19; nays, 29; absent or not voting, 1.

Voting yea: Senators Bailey, Bottiger, Clarke, Cunningham, Francis, Goltz, Gould, Grant, Guess, Herr, Jolly, Jones, McDermott, Murray, North, Peterson, Ridder, Sandison, Scott—19.

Voting nay: Senators Beck, Benitz, Bluechel, Buffington, Day, Donohue, Fleming, Henry, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. “Bob”), Mardesich, Marsh, Matson, Morrison, Newschwander, Odegaard, Pullen, Rasmussen, Sellar, Stortini, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—29. Absent or not voting: Senator Talley—1.

SUBSTITUTE SENATE BILL NO. 2313, having failed to receive the constitutional majority, was declared lost.

NOTICE OF RECONSIDERATION

Having voted on the prevailing side, Senator Bluechel served notice that he would, on the next working day, move for reconsideration of the vote by which Substitute Senate Bill No. 2313 failed to pass the Senate.

MOTIONS

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

On motion of Senator Rasmussen, the Committee on State Government was relieved from further consideration of Senate Bill No. 2933.

On motion of Senator Rasmussen, Senate Bill No. 2933 was referred to the Committee on Social and Health Services.

At 12:56 p.m., on motion of Senator Mardesich, the Senate adjourned until 10:15 a.m., Thursday, March 27, 1975.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

FOURTEENTH DAY**MORNING SESSION**

Senate Chamber, Olympia, Thursday, March 27, 1975.

The Senate was called to order at 10:15 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 Jo Ann Ayers and Bradley Jones, presented the Colors. Father William Treacy, pastor of St. Michael's Church of Olympia, offered the following prayer:

"ALMIGHTY GOD TODAY IS PASSOVER, A FEAST OF HOPE AND DELIVERANCE. GREED AND SELFISHNESS LED THE EGYPTIANS TO TURN FROM BEING FRIENDLY HOSTS TO BEING EXPLOITERS OF THE PEOPLE OF ISRAEL, FORCING THEM TO BE HEWERS OF WOOD AND DRAWERS OF WATER. IN YOUR COMPASSION YOU DELIVERED THE PEOPLE OF ISRAEL FROM BONDAGE.

"WE PRAY TODAY TO BE DELIVERED FROM THE SELFISHNESS THAT CAN SEE OTHERS IN OUR SOCIETY IN GRAVE NEED AND WE ARE UNWILLING TO MAKE PERSONAL SACRIFICE TO HELP. LEAD US, LORD, TO THE PROMISED LAND WHERE NEIGHBOR WILL NOT SEEK TO EXPLOIT NEIGHBOR, OR PUT A STUMBLING BLOCK OF NEGLECT OR INADEQUATE INCOME IN THE PATH OF THE OLD AND SICK.

"LEAD US TO THE PROMISED LAND WHERE THE NEIGHBOR IN NEED IS HELPED BY HIS NEIGHBOR AND WHERE PEOPLE THINK OF THE NEEDS OF OTHERS BEFORE THEIR OWN. AMEN."

MOTION

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

REPORTS OF STANDING COMMITTEES

March 27, 1975.

SENATE BILL NO. 2109, requiring the deposit of application and inspection fees in the motor vehicle fund (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass.

Signed by: Senators Walgren, Chairman; Henry, Vice Chairman; Bluechel, Bottiger, Guess, Jolly, Knoblauch, Morrison, Peterson, Sellar, Wanamaker.

Passed to Committee on Rules for second reading.

March 21, 1975.

SENATE BILL NO. 2130, adding provisions for recovery and recycling of litter control and solid waste collection laws (reported by Committee on Ecology):

MAJORITY recommendation: That Substitute Senate Bill No. 2130 be substituted therefor and the substitute bill do pass.

Signed by: Senators Washington, Chairman, Donohue, Goltz, Guess, Murray, North.

Passed to Committee on Rules for second reading.

March 26, 1975.

SENATE BILL NO. 2184, requiring uniform jail standards (reported by Committee on Local Government):

MAJORITY recommendation: That Substitute Senate Bill No. 2184 be substituted therefor and the substitute bill do pass, and be referred to Committee on Ways and Means.

Signed by: Senators Fleming, Chairman; Jolly, McDermott, North, Sellar, Talley, Walgren, Wilson.

Referred to Committee on Ways and Means.

March 4, 1975.

SENATE BILL NO. 2244, regulating hitchhiking (reported by Judiciary Committee):

MAJORITY recommendation: That Substitute Senate Bill No. 2244 be substituted therefor and the substitute bill do pass.

Signed by: Senators Francis, Chairman; Bottiger, Buffington, Clarke, Keefe, Marsh.

Passed to Committee on Rules for second reading.

March 26, 1975.

SENATE BILL NO. 2378, requiring legal publications in newspapers to be printed in regular type size (reported by Committee on State Government):

MAJORITY recommendation: That Substitute Senate Bill No. 2378 be substituted therefor and the substitute bill do pass.

Signed by: Senators Rasmussen, Chairman; Buffington, Day, Henry, Knoblauch, Wanamaker.

Passed to Committee on Rules for second reading.

March 26, 1975.

SENATE BILL NO. 2419, prescribing procedural changes in law governing human rights commission (reported by Judiciary Committee):

MAJORITY recommendation: That Substitute Senate Bill No. 2419 be substituted therefor and the substitute bill do pass.

Signed by: Senators Francis, Chairman; Buffington, Fleming, Jones, Marsh, Van Hollebeke.

Passed to Committee on Rules for second reading.

March 25, 1975.

SENATE BILL NO. 2480, providing changes in security regulation provisions (reported by Committee on Financial Institutions):

MAJORITY recommendation: That Substitute Senate Bill No. 2480 be substituted therefor and the substitute bill do pass.

Signed by: Senators Woody, Chairman; Bluechel, Clarke, Jones.

Passed to Committee on Rules for second reading.

March 27, 1975.

SENATE BILL NO. 2488, regulating judicial salaries (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Buffington, Clarke, Marsh, Scott, Van Hollebeke.

Passed to Committee on Rules for second reading.

March 26, 1975.

SENATE BILL NO. 2563, relating to air transportation (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Walgren, Chairman; Henry, Vice Chairman; Bluechel, Bottiger, Jolly, Morrison, Peterson, Sellar, Wanamaker.

Passed to Committee on Rules for second reading.

March 26, 1975.

SENATE BILL NO. 2619, providing a statewide medical education system for family practice training (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended by Committee on Social and Health Services and by Committee on Ways and Means.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Wilson, 2nd Vice Chairman; Bailey, Grant, Matson, Murray, Rasmussen, Washington, Woody.

Passed to Committee on Rules for second reading.

March 26, 1975.

SENATE BILL NO. 2725, providing for state defense of state employees in criminal actions (reported by Committee on State Government):

MAJORITY recommendation: That Substitute Senate Bill No. 2725 be substituted therefor and the substitute bill do pass.

Signed by: Senators Rasmussen, Chairman; Buffington, Day, Henry, Knoblauch, Wanamaker.

Passed to Committee on Rules for second reading.

March 25, 1975.

SENATE BILL NO. 2833, relating to railroad grade crossing protective devices (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: That Substitute Senate Bill No. 2833 be substituted therefor and that substitute do pass.

Signed by: Senators Beck, Bluechel, Bottiger, Guess, Jolly, Knoblauch, Morrison, Peterson, Wanamaker.

Passed to Committee on Rules for second reading.

March 27, 1975.

SENATE CONCURRENT RESOLUTION NO. 104, providing task force to study problems related to employment in nursing homes (reported by Committee on Labor):

MAJORITY recommendation: That Substitute Senate Concurrent Resolution No. 104 be substituted therefor and the substitute resolution do pass.

Signed by: Senators Ridder, Chairman; Bailey, Grant, Matson, Morrison, Sellar.

Passed to Committee on Rules for second reading.

March 26, 1975.

SUBSTITUTE HOUSE BILL NO. 208, revising laws relating to rape (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Francis, Chairman; Buffington, Clarke, Jones, Marsh, Scott.

Passed to Committee on Rules for second reading.

March 25, 1975.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 527, requiring pilots and other precautions for tankers entering Puget Sound (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass as amended.

Signed by: Walgren, Chairman; Henry, Vice Chairman; Beck, Benitz, Bluechel, Bottiger, Jolly, Knoblauch, Morrison, Peterson, Sellar, Wanamaker.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENTS

March 26, 1975.

ALBERT L. PASQUAN, to the position of member of the Gambling Commission, appointed by the Governor on July 13, 1973, for the term ending July 1, 1979, (reported by the Committee on State Government):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Rasmussen, Chairman; Buffington, Day, Henry, Knoblauch, Wanamaker.

Passed to Committee on Rules.

March 26, 1975.

MICHAEL DONOHUE, to the position of member of the Gambling Commission, appointed by the Governor on July 13, 1973, for the term ending July 1, 1977 (reported by the Committee on State Government):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Rasmussen, Chairman; Buffington, Day, Henry, Knoblauch, Wanamaker

Passed to Committee on Rules.

March 26, 1975.

OLIVER C. FURSETH, to the position of member of the Gambling Commission, appointed by the Governor on July 13, 1973, for the term ending July 1, 1976, (reported by the Committee on State Government):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Rasmussen, Chairman; Buffington, Day, Henry, Knoblauch, Wanamaker.

Passed to Committee on Rules.

MESSAGES FROM THE HOUSE

March 26, 1975.

Mr. President: The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 118,

HOUSE BILL NO. 175,

SUBSTITUTE HOUSE BILL NO. 340,

ENGROSSED HOUSE BILL NO. 352,

HOUSE BILL NO. 366,

HOUSE BILL NO. 431,

HOUSE BILL NO. 480,

HOUSE BILL NO. 491,

HOUSE BILL NO. 523,

ENGROSSED HOUSE BILL NO. 544,

HOUSE BILL NO. 563,

ENGROSSED HOUSE BILL NO. 573,

SUBSTITUTE HOUSE BILL NO. 594,

SUBSTITUTE HOUSE BILL NO. 651,

HOUSE BILL NO. 750,

ENGROSSED HOUSE BILL NO. 760,

HOUSE JOINT MEMORIAL NO. 18, and the same are herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

March 26, 1975.

Mr. President: The Speaker has signed SENATE BILL NO. 2171, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

INTRODUCTION AND FIRST READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 118, by Committee on Com-

merce (originally sponsored by Representatives Berentson, Jastad, Gallagher, Laughlin and Gilleland) (by Department of Motor Vehicles request):

Prescribing unfair vehicle business practices of dealers and salesmen.

Referred to Committee on Commerce.

HOUSE BILL NO. 175, by Representatives Hansen, Nelson and Clemente (by Department of Highways request):

Removing gross weight limitations for vehicles operated within project boundaries.

Referred to Committee on Transportation and Utilities.

SUBSTITUTE HOUSE BILL NO. 340, by Committee on Higher Education (originally sponsored by Representatives Charnley, Peterson and Douthwaite):

Providing for the acquisition and disposition of documents or materials by the museum of the University of Washington.

Referred to Committee on Higher Education.

ENGROSSED HOUSE BILL NO. 352, by Representatives Pardini, Wojahn, Bagariol and Curtis:

Regulating preneed funeral service contracts.

Referred to Committee on Social and Health Services.

HOUSE BILL NO. 366, by Representative Conner:

Changing fuel tax requirements for interstate commercial vehicles.

Referred to Committee on Transportation and Utilities.

HOUSE BILL NO. 431, by Representatives Barnes, Haley, Parker, Lee, Hawkins, Becker, Sommers, Eikenberry, Chatalas and Blair:

Permitting administration of medication to aged persons in boarding homes under certain circumstances.

Referred to Committee on Social and Health Services.

HOUSE BILL NO. 480, by Representatives Savage, Conner, Freeman, Wojahn, Matthews, Haley, McKibbin, King, May and Cochrane:

Creating the department of labor and industries revolving fund.

Referred to Committee on Labor.

HOUSE BILL NO. 491, by Representatives Warnke, Bausch and Gilleland:

Prescribing a change in retained percentage procedures on public works contracts.

Referred to Committee on Commerce.

HOUSE BILL NO. 523, by Representatives Hayner and Kilbury:

Requiring counties to pay salary and expenses of stream patrolmen.

Referred to Committee on Agriculture.

ENGROSSED HOUSE BILL NO. 544, by Representatives Perry, Zimmerman and Kilbury:

Clarifying the powers of joint operating agencies (power commission).

Referred to Committee on Transportation and Utilities.

HOUSE BILL NO. 563, by Representatives Charnley, Brown, King and Hawkins:

Instructing absentee voters on write-in procedure.

Referred to Committee on Constitution and Elections.

ENGROSSED HOUSE BILL NO. 573, by Representatives Luders, Kuehnle, Knowles, Schumaker, Haussler, Amen and Patterson:

Creating grass burning research advisory committee and setting forth its powers and duties.

Referred to Committee on Ecology.

SUBSTITUTE HOUSE BILL NO. 594, by Committee on Constitution and Elections (originally sponsored by Representatives King, Brown and Moon):

Authorizing punch card ballots to be sent to center at University of Washington for utilization of election statistical data.

Referred to Committee on Constitution and Elections.

SUBSTITUTE HOUSE BILL NO. 651, by Committee on Social and Health Services (originally sponsored by Representatives Adams, Paris, Parker, Bauer and Fortson):

Making changes in the laws relating to chiropractic.

Referred to Committee on Social and Health Services.

HOUSE BILL NO. 750, by Representatives Haussler, Amen, Charette, Newhouse, Wojahn, Lee, Lysen, Ehlers and Zimmerman:

Permitting libraries to pay in advance for books.

Referred to Committee on Higher Education.

ENGROSSED HOUSE BILL NO. 760, by Representatives Warnke and Bausch:

Permitting deduction of retired allowance for payment of health care.

Referred to Committee on Social and Health Services.

HOUSE JOINT MEMORIAL NO. 18, by Representatives Kalich, Jastad, Thompson, Paris, Charette and Smith (Edward):

Requesting that the post office at Deep River not be closed.

Referred to Committee on Local Government.

MOTION

On motion of Senator Mardesich, the Senate returned to the fourth order of business.

MESSAGE FROM THE HOUSE

March 26, 1975.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2268, with the following amendment:

On page 1, beginning on line 8 strike all material down to and including "finance committee;" on line 20 and insert the following:

"Whenever there is in any fund or in cash balances in the state treasury more than sufficient to meet the current expenditures properly payable therefrom, the state finance committee, or upon authorization from the state finance committee then the state treasurer, may invest or reinvest such portion of such funds or balances as the state treasurer deems expedient in the following defined securities or classes of investments: *PROVIDED, That the state treasurer shall provide a monthly report of such investments and reinvestments to the state finance committee.*" and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

MOTION

On motion of Senator Lewis (Harry), further consideration of the House Message on Engrossed Senate Bill No. 2268 was delayed following caucus.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of Senate Bill No. 2183.

SECOND READING

SENATE BILL NO. 2183, by Senator Day (by Department of Motor Vehicles request):

Providing for the establishment of fees for businesses and professions.

MOTIONS

On motion of Senator Day, Substitute Senate Bill No. 2183 was substituted for Senate Bill No. 2183 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Day, the rules were suspended, Substitute Senate Bill No. 2183 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Lewis (Harry): "Would Senator Day yield to a question? Senator Day, I understood this bill was just a change in fees for various groups, businesses and professions. The problem I have is on page 21 where we have had a requirement that persons practicing the chiropractic shall, as a prerequisite to the renewal of license, be required to show proof of attendance at training programs, as I understand it, symposiums, and I note that on line 15 you provide that the chiropractic board may for good cause waive such attendance; and I am wondering, why is it that we require annual training and at the same time waive the necessity for that attendance? I know of no other profession that does this and I am wondering why the distinction for the chiropractic?"

Senator Day: "The first thing is that we were the first profession to require such additional training for license renewal in addition to a fee. In the last session of the legislature we did upgrade our act. We incorporated some of the Washington Administrative Code into the act and inadvertently the portion of the rules which preceding that had allowed the board to waive this for good cause shown was left out. Consequently, it is illegal for them, under any circumstance, to waive that requirement. Now we did have one young man, for example, that came out here and got his license and then returned to one of the colleges as a teacher for two years. During that time he had to run someplace and take an educational symposium, and this will allow the board only in specific circumstances where good cause is shown to have the discretion to waive this particular requirement. I think that is a good amendment."

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2183, and the bill passed the Senate by the following vote: Yeas, 48; nays, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—48.

Voting nay: Senator Rasmussen—1.

SUBSTITUTE SENATE BILL NO. 2183, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

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MOTION

On motion of Senator Mardesich, the Senate commenced consideration of Senate Bill No. 2208.

SECOND READING

SENATE BILL NO. 2208, by Senators Lewis (R. H. "Bob"), Fleming and Murray: Authorizing the purchase of alcoholic beverages at discount for use in special alcohol programs.

The bill was read the second time by sections.

On motion of Senator Lewis (R. H. "Bob"), the rules were suspended, Senate Bill No. 2208 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Bottiger: "Would Senator Lewis yield to a question? Senator Lewis, this is a serious bill. I think it is directed to a serious problem."

Senator Lewis (R. H. "Bob"): "That is true."

Senator Bottiger: "And I am terribly concerned that someone does not point out, and I will do it in the form of a question: Can these institutions give liquor away to somebody else; can they sell it; does the bill provide protection that this is used actually in treatment only?"

Senator Lewis (R. H. "Bob"): "It is my belief that at the hearing the committee did raise these questions and it was satisfactorily answered that this is for the purposes intended only, for the withdrawal purposes and cure of the patients in the hospitals, and the Liquor Board did concur that this would be a good bill."

POINT OF INQUIRY

Senator Rasmussen: "Would Senator Lewis yield to a question? Senator Lewis, does this limit it to those places approved by the Liquor Board?"

Senator Lewis (R. H. "Bob"): "Those that are approved by the Liquor Board. Yes, sir."

Senator Rasmussen: "I understand there is quite a large number of groups getting into this, now that the alcoholic funds are available."

Senator Lewis (R. H. "Bob"): "This is limited to those that are approved by the Liquor Board."

Senator Rasmussen: "Thank you."

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2208, and the bill passed the Senate by the following vote: Yeas, 47; nays, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Clarke, Cunningham, Day, Donohue, Fleming, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—47.

Voting nay: Senators Buffington, Francis—2.

SENATE BILL NO. 2208, having received the 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 Mardesich, the Senate commenced consideration of Senate Bill No. 2124.

SECOND READING

SENATE BILL NO. 2124, by Senator Scott:

Repealing laws relating to mine to market roads.

The bill was read the second time by sections.

On motion of Senator Scott the rules were suspended, Senate Bill No. 2124 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. 2124, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—49.

SENATE BILL NO. 2124, having received the 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 10:50 a.m., on motion of Senator Bailey, the Senate recessed until 1:00 p.m.

AFTERNOON SESSION

The President called the Senate to order at 1:00 p.m.

MOTIONS

On motion of Senator Bluechel, motion for reconsideration of the vote by which Substitute Senate Bill No. 2313 failed to pass the Senate will be held for Friday, March 28, 1975.

At 1:05 p.m., on motion of Senator Mardesich, the Senate adjourned until 10:15 a.m., Friday, March 28, 1975.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

FIFTEENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, March 28, 1975.

The Senate was called to order at 10:15 a.m. by President Cherberg. The President declared the Senate to be at ease until 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 Lissa Moehrle and Gary Woodroof, presented the Colors. Father William Treacy, pastor of St. Michael's Church of Olympia, offered the following prayer:

"ALMIGHTY GOD OUR FATHER OUR LANGUAGE INDICATES OUR DESIRE TO SURVIVE DEATH. WE TALK ABOUT THE ETERNAL FLAME AND PLACE IT AROUND MONUMENTS OF THE FALLEN. OUR JEWISH-CHRISTIAN FAITH REMINDS US THAT EACH OF US IN YOUR EYES IS AN ETERNAL FLAME DESTINED TO BURN FOREVER. GIVE US AN APPRECIATION OF OUR OWN WORTH WHICH WILL MAKE IT POSSIBLE TO RECOGNIZE THE WORTH OF OTHERS. AS HUNGER AND WAR THREATEN THE ETERNAL FLAME IN THE LIFE OF OTHERS, HELP US TO DO OUR PART TO SEE THAT ALL CAN ENJOY THE GIFT OF LIFE.

"AS MILLIONS AROUND THE WORLD RECALL THE DEATH OF JESUS TODAY, WE PRAY THAT YOU WOULD NOT ALLOW US TO WASH OUR HANDS AS PILATE DID AND ASSUME NO RESPONSIBILITY FOR THE HUNGER AND SUFFERING IN THE WORLD. DEEPEN OUR UNDERSTANDING OF THE WORDS OF HIM WE HONOR TODAY WHEN HE SAID, 'WHAT YOU DO FOR THE LEAST OF MY BRETHREN YOU DO FOR ME'."

MOTION

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

REPORTS OF STANDING COMMITTEES

March 27, 1975.

SENATE BILL NO. 2292, implementing the law relating to professional personnel in school districts, their certification and institutes or workshops (reported by Committee on Education):

MAJORITY recommendation: Do pass.

Signed by: Senators Stortini, Chairman; Francis, Gould, McDermott, Murray, Newschwander.

Passed to Committee on Rules for second reading.

March 27, 1975.

SENATE BILL NO. 2332, amending laws relating to insurers' assessments (reported by Committee on Financial Institutions):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Woody, Chairman; Bluechel, Clarke, Jones.

Passed to Committee on Rules for second reading.

March 27, 1975.

SENATE BILL NO. 2346, changing requirements relating to sale of real property by school districts (report by Committee on Education):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Stortini, Chairman; Francis, Gould, McDermott, Murray, Newschwander.

Passed to Committee on Rules for second reading.

March 28, 1975.

SENATE BILL NO. 2348, requiring cities, towns, and counties to report to director of highways on plans for bicycle, pedestrian, and equestrian expenditures (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Walgren, Chairman; Beck, Bottiger, Guess, Jolly, Knoblauch, Morrison, Sellar, Talley.

Passed to Committee on Rules for second reading.

March 27, 1975.

SENATE BILL NO. 2417, repealing the forest practices act (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass.

Signed by: Senators Peterson, Chairman; Lewis (Harry), Rasmussen, Sandison, Talley.

Passed to Committee on Rules for second reading.

March 28, 1975.

SENATE BILL NO. 2765 relating to public pensions (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 2765 be substituted therefor and the substitute bill do pass.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Bailey, Clarke, Jones, Mardesich, Marsh, Matson, Sandison, Scott, Washington, Woody.

MINORITY recommendation: That Substitute Senate Bill No. 2765 be substituted therefor and the substitute bill do not pass.

Signed by: Senators Grant, Lewis (Harry), Murray, Newschwander, Rasmussen.

Passed to Committee on Rules for second reading.

March 26, 1975.

SENATE BILL NO. 2892, establishing disposition procedures for unclaimed personal property in port districts (reported by Committee on Local Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Fleming, Chairman; Jolly, North, Sellar, Talley, Walgren, Wilson.

Passed to Committee on Rules for second reading.

March 27, 1975.

HOUSE BILL NO. 307, repealing prohibition against sale of liquor on the University of Washington campus (reported by Committee on Commerce):

MAJORITY recommendation: Do pass.

Signed by: Senators Van Hollebeke, Chairman; Morrison, Peterson, Ridder.

Passed to Committee on Rules for second reading.

March 27, 1975.

ENGROSSED HOUSE BILL NO. 310, prescribing allocation of revenue from test fishing operations (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Wilson, Second Vice Chairman; Bailey, Clarke, Jones, Lewis (Harry), Mardesich, Murray, Rasmussen, Washington, Woody.

Passed to Committee on Rules for second reading.

March 27, 1975.

ENGROSSED HOUSE BILL NO. 350, pertaining to hotel, motel excise tax by counties and cities (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Wilson, Second Vice Chairman; Bailey, Clarke, Jones, Marsh, Murray, Newschwander, Rasmussen, Scott, Washington, Woody.

Passed to Committee on Rules for second reading.

March 27, 1975.

ENGROSSED HOUSE BILL NO. 422, permitting tax adjustments upon property destroyed at any time during the yer (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Wilson, Second Vice Chairman; Bailey, Clarke, Fleming, Jones, Lewis (Harry), Marsh, Murray, Scott, Washington, Woody.

Passed to Committee on Rules for second reading.

March 27, 1975.

HOUSE JOINT MEMORIAL NO. 15, petitioning the president and the director of the office of management and budget to provide fiscal data to state legislatures on a systematic basis (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Wilson, Second Vice Chairman; Bailey, Clarke, Fleming, Jones, Lewis (Harry), Marsh, Murray, Newschwander, Scott, Washington.

Passed to Committee on Rules for second reading.

March 27, 1975.

HOUSE JOINT MEMORIAL NO. 16, petitioning congress to establish a clearing house for federal budget information necessary for formulation of state budgets (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Wilson, Second Vice Chairman; Bailey, Clarke, Fleming, Jones, Lewis (Harry), Marsh, Murray, Newschwander, Scott; Washington.

Passed to Committee on Rules for second reading.

March 27, 1975.

HOUSE JOINT MEMORIAL NO. 17, petitioning the president to assist in the establishment of continuing working relationships between state legislatures and federal departments and agencies (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Wilson, Second Vice Chairman; Bailey, Clarke, Fleming, Jones, Lewis (Harry), Marsh, Murray, Newschwander, Scott, Washington.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENT

March 26, 1975.

DR. GEORGE KOSS, to the position of member of the Aeronautics Commission, appointed by the Governor on January 1, 1975 for the term ending December 31, 1979, succeeding himself (reported by the Committee on Transportation and Utilities):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Walgren, Chairman; Henry, Vice Chairman; Beck, Bluechel, Bottiger, Guess, Jolly, Knoblauch, Morrison, Wanamaker.
Passed to Committee on Rules.

MESSAGE FROM THE GOVERNOR

Office of the Governor, March 28, 1975.

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

LADIES AND GENTLEMEN:

I have the honor to advise that on March 27, 1975, Governor Evans approved the following Senate Bills, entitled:

SENATE BILL NO. 2035: Authorizing library trustees to provide library services to Indian tribes.

SENATE BILL NO. 2080: Prescribing a penalty for failure to surrender motor vehicle certificates, licenses or permits.

SENATE BILL NO. 2141: Authorizing travel expenses for transporting blind and deaf youth during weekends and vacations.

Sincerely,
CHI-DOOH LI
Legal Counsel.

MESSAGES FROM THE HOUSE

March 27, 1975.

Mr. President: The House has passed:

ENGROSSED HOUSE BILL NO. 42,

SUBSTITUTE HOUSE BILL NO. 67,

ENGROSSED HOUSE BILL NO. 173,

ENGROSSED HOUSE BILL NO. 176,

SUBSTITUTE HOUSE BILL NO. 183,

SUBSTITUTE HOUSE BILL NO. 309,

HOUSE BILL NO. 383,

SUBSTITUTE HOUSE BILL NO. 389,

HOUSE BILL NO. 397,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 462,

ENGROSSED HOUSE BILL NO. 475,

SUBSTITUTE HOUSE BILL NO. 511,

ENGROSSED HOUSE BILL NO. 530,

HOUSE BILL NO. 962, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

March 27, 1975.

Mr. President: The House has passed SENATE JOINT MEMORIAL NO. 108, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

March 27, 1975.

Mr. President: The House has passed SENATE BILL NO. 2026 with the following amendment:

On page 1, line 12, after "*inventory*" strike "*held*" and insert "*owned*", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

Senator Walgren moved that the Senate do concur in the House amendment to Senate Bill No. 2026.

POINT OF INQUIRY

Senator Guess: "Would Senator Walgren yield? Senator Walgren, I am wondering what this would do in the instance where Northwest Airlines furnishes the headsets that the people listen to and the sheltered workshop sterilizes these and repackages them in the plastic bags and they do thousands of these things. Now is there going to be a tax on this, although it is owned by Northwest Airlines?"

Senator Walgren: "The bill as it would be passed now would say 'inventory owned by the sheltered workshop.' As we know, the Department of Revenue has, by its own revenue rulings, at least on one occasion it tried to apply the tax, that this was reversed by the tax appeals body. I think from a technical standpoint that the tax might possibly be applied but I rather doubt that it would be in this case."

Senator Guess: "Thank you very much."

Senator Talley: "Mr. President, we have the same problem at home. The port ships to the sheltered workshop many cases of damaged goods which they repackage but we do not in any way consider that they own these goods. They are just repackaging for the customer. They have no ownership of that property at all."

POINT OF INQUIRY

Senator Lewis (Harry): "Will Senator Walgren yield? Senator Walgren, for clarification, I have moved into our sheltered workshop, in an attempt to provide some work for them, material from my plant which they have sharpened; for example, stakes, which they have cut to length and then returned to me. Under this bill I would understand that that inventory would be my inventory and therefore would not be a consideration of the legislation. Is that correct?"

Senator Walgren: "That is correct."

The motion by Senator Walgren carried and the Senate concurred in the House amendment to Senate Bill No. 2026.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2026, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; absent or not voting, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—48.

Absent or not voting: Senator Jones—1.

SENATE BILL NO. 2026, 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 JOINT MEMORIAL NO. 108.

INTRODUCTION AND FIRST READING

SENATE CONCURRENT RESOLUTION NO. 111, by Senators Goltz, Murray and Morrison:

Designating April 20-26 as "Volunteer Week '75".

MOTIONS .

On motion of Senator Goltz, Senate Concurrent Resolution No. 111 was advanced to second reading and read the second time in full.

On motion of Senator Goltz, Senate Concurrent Resolution No. 111 was advanced to third reading, the second reading considered the third, and the resolution was adopted.

INTRODUCTION AND FIRST READING

ENGROSSED HOUSE BILL NO. 42, by Representative Kilbury:
Including irrigation districts in the interlocal cooperation act.
Referred to Committee on Agriculture.

SUBSTITUTE HOUSE BILL NO. 67, by Committee on Local Government (originally sponsored by Representative Nelson):
Providing for popular election of mayor in council-manager code cities.
Referred to Committee on Local Government.

ENGROSSED HOUSE BILL NO. 173, by Representatives Clemente, Gaspard and Hendricks:
Requiring school board directors when making available rules regarding pupil conduct, discipline and rights to spell out rights and authority of teachers.
Referred to Committee on Education.

ENGROSSED HOUSE BILL NO. 176, by Representatives Ceccarelli, Pardini, Hendricks and Matthews:
Providing for public employee deferred compensation.
Referred to Committee on Financial Institutions.

SUBSTITUTE HOUSE BILL NO. 183, by Committee on Local Government (originally sponsored by Representatives Bagnariol, Warnke and Fischer):
Increasing public works mandatory bid limit.
Referred to Committee on Local Government.

SUBSTITUTE HOUSE BILL NO. 309, by Judiciary Committee (originally sponsored by Representatives Knowles, Smith (Rick), Seeberger and Eikenberry):
Providing for a uniform procedure for filing tort claims against governmental entities.
Referred to Judiciary Committee.

HOUSE BILL NO. 383, by Representatives Randall, Brown and Luders:
Permitting salaries to be set out in total amount under each budget class in a school district preliminary budget.
Referred to Committee on Education.

SUBSTITUTE HOUSE BILL NO. 389, by Committee on Labor (originally sponsored by Representatives Charnley, Newhouse and King):
Exempting certain nongovernmental educational institutions from certain provisions of the unemployment compensation law.
Referred to Committee on Labor.

HOUSE BILL NO. 397, by Representative Cochrane:
Specifying form of notice and result of election for change of location of county seat.
Referred to Committee on Local Government.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 462, by Committee on Ecology

(originally sponsored by Representatives Flanagan, Amen, Hansen, Kilbury, Newhouse, Curtis and Tilly):

Exempting irrigation systems from shorelines management.
Referred to Committee on Ecology.

ENGROSSED HOUSE BILL NO. 475, by Representatives Bagnariol and Gaines:
Amending state higher education personnel law to allow participation of director of the office of program planning and fiscal management on items having financial impact.

Referred to Committee on Higher Education.

SUBSTITUTE HOUSE BILL NO. 511, by Committee on Agriculture (originally sponsored by Representatives Becker, Kilbury, Erickson, Hansen, Amen, Hansey, Moreau, Tilly, Shumaker, Berentson, Sherman, North, Laughlin and Moon):

Requiring that milk producers be paid costs of production.

Referred to Committee on Agriculture.

ENGROSSED HOUSE BILL NO. 530, by Representatives Haussler and Kilbury:
Amending laws relating to irrigation districts.

Referred to Committee on Agriculture.

HOUSE BILL NO. 962, by Representatives Kilbury and Amen:
Revising laws on agriculture inspection.

Referred to Committee on Agriculture.

MOTIONS

On motion of Senator Henry, the Committee on Constitution and Elections was relieved from further consideration of House Bill No. 397.

On motion of Senator Henry, House Bill No. 397 was referred to Committee on Local Government.

On motion of Senator Sandison, the Committee on State Government was relieved from further consideration of Engrossed House Bill No. 475.

On motion of Senator Sandison, Engrossed House Bill No. 475 was referred to the Committee on Higher Education.

On motion of Senator Fleming, the Committee on Constitution and Elections was relieved from further consideration of Substitute House Bill No. 67.

On motion of Senator Fleming, Substitute House Bill No. 67 was referred to the Committee on Local Government.

On motion of Senator Mardesich, Senate Bill No. 2650 was ordered to hold its place on the second reading calendar for Monday, March 31, 1975.

SECOND READING

SENATE BILL NO. 2230, by Senators Clarke, Jones and Morrison:
Enacting a new criminal code relating to crimes against property.

REPORT OF STANDING COMMITTEE

January 30, 1975.

SENATE BILL NO. 2230, enacting a new criminal code relating to crimes against property (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendments:

On page 12, line 10 after "dock," and before "machine," strike "threshing" and after "machine," and before "engine" strike "threshing".

On page 12, line 19 after "grain," add "crop, or".

On page 18, line 36 before "a part of" strike "alleged to be".

On page 20, line 2 after "exceed(s)" strike "two hundred fifty" and insert "one hundred".

On page 20, line 14 after "exceed" strike "two hundred fifty" and insert "one hundred".

On page 21, line 12 after "sheep," strike all the material down through "less," on line 13 and on line 14 after "Class" and before "felony" strike "C" and insert "B".

Signed by: Senators Francis, Chairman; Buffington, Clarke, Fleming, Jones, Marsh, Scott.

The bill was read the second time by sections.

On motion of Senator Francis, the committee amendments were not adopted.

Senator Francis moved adoption of the following amendment:

On page 5, strike everything after the enacting clause and insert the following:

"CHAPTER 9A.04

PRELIMINARY ARTICLE

NEW SECTION. Sec. 9A.04.010. TITLE, EFFECTIVE DATE, APPLICATION, SEVERABILITY, CAPTIONS. (1) This title shall be known and may be cited as the Washington Criminal Code and shall become effective on July 1, 1976.

(2) The provisions of this title shall apply to any offense committed on or after the effective date of this act, which is defined in this title or the general statutes, unless otherwise expressly provided or unless the context otherwise requires and shall also apply to any defense to prosecution for such an offense.

(3) The provisions of this title do not apply to or govern the construction of the punishment for any offense committed prior to the effective date of this title, or to the construction and application of any defense to a prosecution for such an offense. Such an offense must be construed and punished according to the provisions of law existing at the time of the commission thereof in the same manner as if this title had not been enacted.

(4) If any provision of this title, or its application to any person or circumstance is held invalid, the remainder of the title, or the application of the provision to other persons or circumstances is not affected, and to this end the provisions of this title are declared to be severable.

(5) Chapter, section, and subsection captions are for organizational purposes only and shall not be construed as part of this title.

NEW SECTION. Sec. 9A.04.100. PROOF BEYOND A REASONABLE DOUBT. (1) Every person charged with the commission of a crime is presumed innocent unless proved guilty. No person may be convicted of a crime unless each element of such crime is proved by competent evidence beyond a reasonable doubt.

(2) When a crime has been proven against a person, and there exists a reasonable doubt as to which of two or more degrees he is guilty, he shall be convicted only of the lowest.

NEW SECTION. Sec. 9A.04.110. DEFINITIONS. In this title unless a different meaning plainly is required:

(1) "Acted" includes, where relevant, omitted to act;

(2) "Actor" includes, where relevant, a person failing to act;

(3) "Benefit" is any gain or advantage to the beneficiary, including any gain or advantage to a third person pursuant to the desire or consent of the beneficiary;

(4) "Bodily injury" or "physical injury" means physical pain, illness, or an impairment of physical condition;

(5) "Building", in addition to its ordinary meaning include any dwelling, fenced area, vehicle, railway car, cargo container, or any other structure used for lodging of persons or for carrying on business therein, or for the use, sale or deposit of goods; each unit of a building consisting of two or more units separately secured or occupied is a separate building;

(6) "Deadly weapon" means any explosive or loaded or unloaded firearm, and shall include any other weapon, device, instrument, article, or substance, including a "vehicle" as defined in this section, which, under the circumstances in which it is used,

attempted to be used, or threatened to be used, is readily capable of causing death or serious bodily injury;

(7) "Dwelling" means any building or structure, though movable or temporary, or a portion thereof, which is used or ordinarily used by a person for lodging;

(8) "Government" includes any branch, subdivision, or agency of the government of this state and any county, city, district or other local governmental unit;

(9) "Governmental function" includes any activity which a public servant is legally authorized or permitted to undertake on behalf of a government;

(10) "Indicted" and "indictment" include "informed against" and "information", and "informed against" and "information" include "indicted" and "indictment";

(11) "Judge" includes every judicial officer authorized alone or with others, to hold or preside over a court;

(12) "Malice" and "maliciously" shall import an evil intent, wish or design to vex, annoy or injure another person. Malice may be inferred from an act done in wilful disregard of the rights of another, or an act wrongfully done without just cause or excuse, or an act or omission on duty betraying a wilful disregard of social duty;

(13) "Officer" and "public officer" means a person holding office under a city, county, or state government, or the federal government who performs a public function and in so doing is vested with the exercise of some sovereign power of government, and includes all assistants, deputies, clerks and employees of any public officer and all persons lawfully exercising or assuming to exercise any of the powers or functions of a public officer.

(14) "Omission" means a failure to act;

(15) "Peace officer" means a duly appointed city, county or state law enforcement officer;

(16) "Pecuniary benefit" means any gain or advantage in the form of money, property, commercial interest, or anything else the primary significance of which is economic gain;

(17) "Person", "he", and "actor" include any natural person and, where relevant, corporation, joint stock association, or any unincorporated association;

(18) "Place of work" includes but is not limited to all the lands and other real property of a farm or ranch in the case of an actor who owns, operates, or is employed to work on such a farm or ranch;

(19) "Prison" means any place designated by law for the keeping of persons held in custody under process of law, or under lawful arrest, including but not limited to any state correctional institution or any county or city jail;

(20) "Prisoner" includes any person held in custody under process of law, or under lawful arrest;

(21) "Property" means anything of value, whether tangible or intangible, real or personal;

(22) "Public servant" means any person other than a witness who presently occupies the position of or has been elected, appointed, or designated to become any officer or employee of government, including a legislator, judge, judicial officer, juror, and any person participating as an advisor, consultant, or otherwise in performing a governmental function;

(23) "Signature" includes any memorandum, mark, or sign made with intent to authenticate any instrument or writing, or the subscription of any person thereto;

(24) "Statute" means the Constitution or an act of the legislature or initiative or referendum of this state;

(25) "Threat" means to communicate, directly or indirectly the intent:

(a) To cause bodily injury in the future to the person threatened or to any other person; or

(b) To cause physical damage to the property of a person other than the actor; or

(c) To subject the person threatened or any other person to physical confinement or restraint; or

(d) To accuse any person of a crime or cause criminal charges to be instituted against any person; or

(e) To expose a secret or publicize an asserted fact, whether true or false, tending to subject any person to hatred, contempt, or ridicule; or

(f) To reveal any information sought to be concealed by the person threatened; or

(g) To testify or provide information or withhold testimony or information with respect to another's legal claim or defense; or

(h) To take wrongful action as an official against anyone or anything, or wrongfully withhold official action, or cause such action or withholding; or

(i) To bring about or continue a strike, boycott, or other similar collective action to obtain property which is not demanded or received for the benefit of the group which the actor purports to represent; or

(j) To do any other act which is intended to harm substantially the person threatened or another with respect to his health, safety, business, financial condition, or personal relationships.

(26) "Vehicle" means a "motor vehicle" as defined in the vehicle and traffic laws, any aircraft, or any vessel equipped for propulsion by mechanical means or by sail;

(27) Words in the present tense shall include the future tense; and in the masculine shall include the feminine and neuter genders; and in the singular shall include the plural; and in the plural shall include the singular.

CHAPTER 9A.20

CLASSIFICATION OF CRIMES

NEW SECTION. Sec. 9A.20.020. AUTHORIZED SENTENCES OF OFFENDERS. (1) Felony. Every person convicted of a classified felony shall be punished as follows:

(a) For a Class A felony, by imprisonment in a state correctional institution for a maximum term fixed by the court of not less than twenty years or by a fine of not more than ten thousand dollars or by both such imprisonment and fine;

(b) For a Class B felony, by imprisonment in a state correctional institution for a maximum term fixed by the court of not more than ten years or by a fine of not more than ten thousand dollars or by both such imprisonment and fine;

(c) For a Class C felony, by imprisonment in a state correctional institution for a maximum term fixed by the court of not more than five years or by a fine of not more than five thousand dollars or by both such imprisonment and fine.

(2) Gross Misdemeanor. Every person convicted of a gross misdemeanor defined in Title 9A 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 of not more than one thousand dollars or by both such imprisonment and fine.

(3) Misdemeanor. Every person convicted of a misdemeanor defined in Title 9A 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 of not more than five hundred dollars or by both such imprisonment and fine.

NEW SECTION. Sec. 9A.20.030. ALTERNATIVE TO A FINE. (1) If a person has gained money or property or caused a victim to lose money or property through the commission of a crime, upon a conviction thereof the court, in lieu of imposing the fine authorized for the offense under section 9A.20.020, may order the defendant to pay an amount, fixed by the court, not to exceed double the amount of the defendant's gain or victim's loss from the commission of a crime. Such amount may be used to provide restitution to the victim at the order of the court. In such case the court shall make a finding as to the amount of the defendant's gain or victim's loss from the crime, and if the record does not contain sufficient evidence to support such finding the court may conduct a hearing upon the issue. For purposes of this section, the terms "gain" or "loss" refer to the amount of money or the value of property or services gained or lost.

(2) Notwithstanding any other provision of law, this section also applies to any corporation or joint stock association found guilty of any crime.

CHAPTER 9A.48

ARSON: MALICIOUS MISCHIEF

NEW SECTION. Sec. 9A.48.010. DEFINITIONS. (1) For the purpose of this title, as now or hereinafter amended, unless the context indicates otherwise:

(a) "Building" has the definition in 9A.04.110(5), and where a building consists of two or more units separately secured or occupied, each unit shall not be treated as a separate building;

(b) "Damages", in addition to its ordinary meaning, includes any charring, scorching, burning or breaking.

(2) To constitute arson it shall not be necessary that a person other than the actor should have had ownership in the building or structure damaged or set on fire.

NEW SECTION. Sec. 9A.48.020. ARSON IN THE FIRST DEGREE. (1) A person is guilty of arson in the first degree if he knowingly and maliciously:

(a) Causes a fire or explosion which is manifestly dangerous to any human life including firemen; or

(b) Causes a fire or explosion which damages a dwelling; or

(c) Causes a fire or explosion in any building in which there shall be at the time a human being who is not a participant in the crime.

(2) Arson in the first degree is a Class A felony.

NEW SECTION. Sec. 9A.48.030. ARSON IN THE SECOND DEGREE. (1) A person is guilty of arson in the second degree if he knowingly and maliciously causes a fire or explosion which damages a building, or any structure or erection appurtenant to or joining any building, or any wharf, dock, machine, engine, automobile, or other motor vehicle, watercraft, aircraft, bridge, or trestle or hay, grain, crop, or timber, whether cut or standing or any range land, or pasture land, or any fence, or any lumber, shingle, or other timber products, or any property.

(2) Arson in the second degree is a Class B felony.

NEW SECTION. Sec. 9A.48.040. RECKLESS BURNING IN THE FIRST DEGREE. (1) A person is guilty of reckless burning in the first degree if he recklessly damages a building or other structure or any vehicle, railway car, aircraft, or watercraft or any hay, grain, crop, or timber whether cut or standing, by knowingly causing a fire or explosion.

(2) Reckless burning in the first degree is a Class C felony.

NEW SECTION. Sec. 9A.48.050. RECKLESS BURNING IN THE SECOND DEGREE. (1) A person is guilty of reckless burning in the second degree if he knowingly causes a fire or explosion, whether on his own property or that of another, and thereby recklessly places a building or other structure, or any vehicle, railway car, aircraft, or watercraft, or any hay, grain, crop or timber, whether cut or standing, in danger of destruction or damage.

(2) Reckless burning in the second degree is a gross misdemeanor.

NEW SECTION. Sec. 9A.48.060. DEFENSE. In any prosecution for a crime of reckless burning in the first or second degrees, it shall be a defense if the defendant establishes by a preponderance of the evidence that:

(a) No person other than the defendant had a possessory, or pecuniary interest in the damaged or endangered property, or if other persons had such an interest, all of them consented to the defendant's conduct; and

(b) The defendant's sole intent was to destroy or damage the property for a lawful purpose.

NEW SECTION. Sec. 9A.48.070. MALICIOUS MISCHIEF IN THE FIRST DEGREE. (1) A person is guilty of malicious mischief in the first degree if he knowingly and maliciously:

(a) Causes physical damage to the property of another in an amount exceeding one thousand five hundred dollars; or

(b) Causes an interruption or impairment of service rendered to the public by physically damaging or tampering with an emergency vehicle or property of the state, a political subdivision thereof, or a public utility or mode of public transportation, power, or communication.

(2) Malicious mischief in the first degree is a Class B felony.

NEW SECTION. Sec. 9A.48.080. MALICIOUS MISCHIEF IN THE SECOND DEGREE. (1) A person is guilty of malicious mischief in the second degree if he knowingly and maliciously:

(a) Causes physical damage to the property of another in an amount exceeding two hundred and fifty dollars; or

(b) Creates a substantial risk of interruption or impairment of service rendered to the public, by physically damaging or tampering with an emergency vehicle or property of the state, a political subdivision thereof, or a public utility or mode of public transportation, power, or communication.

(2) Malicious mischief in the second degree is a Class C felony.

NEW SECTION. Sec. 9A.48.090. MALICIOUS MISCHIEF IN THE THIRD DEGREE. (1) A person is guilty of malicious mischief in the third degree if he knowingly and maliciously causes physical damage to the property of another, under circumstances not amounting to malicious mischief in the first or second degree.

(2) Malicious mischief in the third degree is a gross misdemeanor if the damage to the property is in an amount exceeding fifty dollars; otherwise, it is a misdemeanor.

CHAPTER 9A.52 BURGLARY AND TRESPASS

NEW SECTION. Sec. 9A.52.010. DEFINITIONS. The following definitions apply in this chapter:

(1) "Premises" includes any building, dwelling, or any real property;

(2) "Enter". The word "enter" when constituting an element or part of a crime, shall include the entrance of the person, or the insertion of any part of his body, or any instrument or weapon held in his hand or used or intended to be used to threaten or intimidate a person or to detach or remove property;

(3) "Enters or remains unlawfully". A person "enters or remains unlawfully" in or upon premises when he is not then licensed, invited, or otherwise privileged to so enter or remain.

A license or privilege to enter or remain in a building which is only partly open to the public is not a license or privilege to enter or remain in that part of a building which is not open to the public. A person who enters or remains upon unimproved and apparently unused land, which is neither fenced nor otherwise enclosed in a manner designed to exclude intruders, does so with license and privilege unless notice against trespass is personally communicated to him by the owner of the land or some other authorized person, or unless notice is given by posting in a conspicuous manner.

NEW SECTION. Sec. 9A.52.020. BURGLARY IN THE FIRST DEGREE. (1) A person is guilty of burglary in the first degree if, with intent to commit a crime against a person or property therein, he enters or remains unlawfully in a dwelling and if, in entering or while in the dwelling or in immediate flight therefrom, the actor or another participant in the crime: (a) is armed with a deadly weapon, or (b) assaults any person therein.

(2) Burglary in the first degree is a Class A felony.

NEW SECTION. Sec. 9A.52.030. BURGLARY IN THE SECOND DEGREE.

(1) A person is guilty of burglary in the second degree if, with intent to commit a crime against a person or property therein, he enters or remains unlawfully in a building.

(2) Burglary in the second degree is a Class B felony.

NEW SECTION. Sec. 9A.52.040. INFERENCE OF INTENT. In any prosecution for burglary, any person who enters or remains unlawfully in a building may be inferred to have acted with intent to commit a crime against a person or property therein, unless such entering or remaining shall be explained by evidence satisfactory to the trier of fact to have been made without such criminal intent.

NEW SECTION. Sec. 9A.52.050. OTHER CRIME IN COMMITTING BURGLARY PUNISHABLE. Every person who, in the commission of a burglary shall commit any other crime, may be punished therefor as well as for the burglary, and may be prosecuted for each crime separately.

NEW SECTION. Sec. 9A.52.060. MAKING OR HAVING BURGLAR TOOLS. (1) Every person who shall make or mend or cause to be made or mended, or have in his possession, any engine, machine, tool, false key, pick lock, bit, nippers or implement adapted, designed to commonly used for the commission of burglary under circum-

stances evincing an intent to use or employ, or allow the same to be used or employed in the commission of a burglary, or knowing that the same is intended to be so used, shall be guilty of making or having burglar tools.

(2) Making or having burglar tools is a gross misdemeanor.

NEW SECTION. Sec. 9A.52.070. **CRIMINAL TRESPASS IN THE FIRST DEGREE.** (1) A person is guilty of criminal trespass in the first degree if he knowingly enters or remains unlawfully in a building or on real property adjacent thereto or upon real property which is fenced or otherwise enclosed in a manner designed to exclude intruders.

(2) Criminal trespass in the first degree is a gross misdemeanor.

NEW SECTION. Sec. 9A.52.080. **CRIMINAL TRESPASS IN THE SECOND DEGREE.** (1) A person is guilty of criminal trespass in the second degree if he knowingly enters or remains unlawfully in or upon premises of another.

(2) Criminal trespass in the second degree is a misdemeanor.

NEW SECTION. Sec. 9A.52.090. **CRIMINAL TRESPASS—DEFENSES.** In any prosecution under section 9A.52.070 and 9A.52.080, it is a defense that:

(1) A building involved in an offense under section 9A.52.070 was abandoned; or

(2) The premises were at the time open to members of the public and the actor complied with all lawful conditions imposed on access to or remaining in the premises; or

(3) The actor reasonably believed that the owner of the premises, or other person empowered to license access thereto, would have licensed him to enter or remain.

NEW SECTION. Sec. 9A.52.100. **VEHICLE PROWLING.** (1) A person is guilty of vehicle prowling if, with intent to commit a crime against a person or property therein, he enters or remains unlawfully in a vehicle.

(2) Vehicle prowling is a gross misdemeanor.

CHAPTER 9A.56

THEFT AND ROBBERY

NEW SECTION. Sec. 9A.56.010. **DEFINITIONS.** The Following definitions are applicable in this chapter unless the context otherwise requires:

(1) "Appropriate lost or misdelivered property or services" means obtaining or exerting control over the property or services of another which the actor knows to have been lost or mislaid, or to have been delivered under a mistake as to identity of the recipient or as to the nature or amount of the property.

(2) "By color or aid of deception" means that the deception operated to bring about the obtaining of the property or services; it is not necessary that deception be the sole means of obtaining the property or services.

(3) "Credit card" means any instrument or device, whether incomplete, revoked, or expired, whether known as a credit card, credit plate, charge plate, courtesy card, or by any other name, issued with or without fee for the use of the cardholder in obtaining money, goods, services, or anything else of value, including satisfaction of a debt or the payment of a check drawn by a cardholder, either on credit or in consideration of an undertaking or guarantee by the issuer.

(4) "Deception" occurs when an actor knowingly:

(a) Creates or confirms another's false impression which the actor knows to be false; or

(b) Fails to correct another's impression which the actor previously has created or confirmed; or

(c) Prevents another from acquiring information material to the disposition of the property involved; or

(d) Transfers or encumbers property without disclosing a lien, adverse claim or other legal impediment to the enjoyment of the property, whether that impediment is or is not valid, or is or is not a matter of official record; or

(e) Promises performance which the actor does not intend to perform or knows will not be performed.

(5) "Obtain control over" in addition to its common meaning, means:

(a) In relation to property, to bring about a transfer or purported transfer to the

obtainer or another of a legally recognized interest in the property; or

(b) In relation to labor or service, to secure performance thereof for the benefits of the obtainer or another.

(6) "Wrongfully obtains" or "exerts unauthorized control" means:

(a) To take the property or services of another; or

(b) Having any property or services in one's possession, custody or control as bailee, factor, pledgee, servant, attorney, agent, employee, trustee, executor, administrator, guardian or officer of any person, estate, association or corporation, or as a public officer, or person authorized by agreement or competent authority to take or hold such possession, custody, or control, to secrete, withhold or appropriate the same to his own use or to the use of any person other than the true owner or person entitled thereto.

(7) "Owner" means a person, other than the actor, who has possession of or any other interest in the property or services involved, and without whose consent the actor has no authority to exert control over the property or services.

(8) "Receive" includes, but is not limited to, acquiring title, possession, control, or a security interest, or any other interest in the property.

(9) "Services" includes, but is not limited to, labor, professional services, transportation services, the supplying of hotel accommodations, restaurant services, entertainment, the use of equipment for use, and the use supplying of commodities of a public utility nature such as gas, electricity, steam, and water.

(10) "Stolen" means obtained by theft, robbery, or extortion.

(11) Value. (a) "Value" means the market value of the property or services at the time and in the approximate area of the criminal act.

(b) Whether or not they have been issued or delivered, written instruments, except those having a readily ascertained market value, shall be evaluated as follows:

(i) The value of an instrument constituting an evidence of debt, such as a check, draft, or promissory note, shall be deemed the amount due or collectible thereon or thereby, that figure ordinarily being the face amount of the indebtedness less any portion thereof which has been satisfied;

(ii) The value of a ticket or equivalent instrument which evidences a right to receive transportation, entertainment, or other service shall be deemed the price stated thereon, if any; and if no price is stated thereon, the value shall be deemed the price of such ticket or equivalent instrument which the issuer charged the general public;

(iii) The value of any other instrument that creates, releases, discharges, or otherwise affects any valuable legal right, privilege, or obligation shall be deemed the greatest amount of economic loss which the owner of the instrument might reasonably suffer by virtue of the loss of the instrument.

(c) Whenever any series of transactions which constitute theft, would, when considered separately, constitute theft in the third degree because of value, and said series of transactions are a part of a common scheme or plan, then 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 degree of theft involved.

(d) Whenever any person is charged with possessing stolen property and such person has unlawfully in his possession at the same time the stolen property of more than one person, then the stolen property possessed may be aggregated in one count and the sum of the value of all said stolen property shall be the value considered in determining the degree of theft involved.

(e) Property or services having value that cannot be ascertained pursuant to the standards set forth above shall be deemed to be of a value not exceeding one hundred dollars.

NEW SECTION. Sec. 9A.56.020. THEFT—DEFINITION, DEFENSE.

(1) "Theft" means:

(a) To wrongfully obtain or exert unauthorized control over the property or services of another or the value thereof, with intent to deprive him of such property or services; or

(b) By color or aid of deception to obtain control over the property or services of another or the value thereof, with intent to deprive him of such property or services; or

(c) To appropriate lost or misdelivered property or services of another, or the value thereof, with intent to deprive him of such property or services.

(2) In any prosecution for theft, it shall be a sufficient defense that the property or service was appropriated openly and avowedly under a claim of title preferred in good faith, even though the claim be untenable.

NEW SECTION. Sec. 9A.56.030. THEFT IN THE FIRST DEGREE. (1) A person is guilty of theft in the first degree if he commits theft of:

(a) Property or services which exceed(s) one thousand five hundred dollars in value; or

(b) Property of any value taken from the person of another.

(2) Theft in the first degree is a Class B felony.

NEW SECTION. Sec. 9A.56.040. THEFT IN THE SECOND DEGREE. (1) A person is guilty of theft in the second degree if he commits theft of:

(a) Property or services which exceed(s) one hundred dollars in value, but does not exceed one thousand five hundred dollars in value; or

(b) A public record, writing or instrument kept, filed or deposited according to law with or in the keeping of any public office or public servant; or

(c) A credit card; or

(d) A motor vehicle, of a value less than one thousand five hundred dollars.

(2) Theft in the second degree is a Class C felony.

NEW SECTION. Sec. 9A.56.050. THEFT IN THE THIRD DEGREE. (1) A person is guilty of theft in the third degree if he commits theft of property or services which does not exceed one hundred dollars in value.

(2) Theft in the third degree is a gross misdemeanor.

NEW SECTION. Sec. 9A.56.060. UNLAWFUL ISSUANCE OF CHECKS OR DRAFTS. (1) Any person who shall with intent to defraud, make, or draw, or utter, or deliver to another person any check, or draft, on a bank or other depository for the payment of money, knowing at the time of such drawing, or delivery, that he has not sufficient funds in, or credit with said bank or other depository, to meet said check or draft, in full upon its presentation, shall be guilty of unlawful issuance of bank check. The word "credit" as used herein shall be construed to mean an arrangement or understanding with the bank or other depository for the payment of such check or draft, and the uttering or delivery of such a check or draft to another person without such fund or credit to meet the same shall be prima facie evidence of an intent to defraud.

(2) Unlawful issuance of bank check is a gross misdemeanor.

NEW SECTION. Sec. 9A.56.070. TAKING MOTOR VEHICLE WITHOUT PERMISSION. (1) Every person who shall without the permission of the owner or person entitled to the possession thereof intentionally take or drive away any automobile or motor vehicle, whether propelled by steam, electricity or internal combustion engine, the property of another, shall be deemed guilty of a felony, and every person voluntarily riding in or upon said automobile or motor vehicle with knowledge of the fact that the same was unlawfully taken shall be equally guilty with the person taking or driving said automobile or motor vehicle and shall be deemed guilty of taking motor vehicle without permission.

(2) Taking motor vehicle without permission is a Class C felony.

NEW SECTION. Sec. 9A.56.080. THEFT OF LIVESTOCK. (1) Every person who, with intent to deprive or defraud the owner thereof, wilfully takes, leads or transports away, conceals, withholds, slaughters, or otherwise appropriates to his own use any horse, mule, cow, heifer, bull, steer, swine or sheep shall be guilty of theft of livestock.

(2) Theft of livestock is a Class B felony.

NEW SECTION. Sec. 9A.56.090. PRESUMPTION ON FAILURE TO RETURN VEHICLE, MACHINERY, OR EQUIPMENT PURSUANT TO RENTAL OR LEASE AGREEMENT. Any person to whom a motor vehicle, or piece of machinery or equipment having a fair market value in excess of one thousand five hundred dollars is delivered on a rental or lease basis under any agreement in writing providing for its return to a particular place at a particular time, who refuses or wilfully neglects to return such vehicle or piece of machinery or equipment after the expiration of a reason-

able time after a notice in writing proved to have been duly mailed by registered or certified mail with return receipt requested addressed to the last known address of the person who rented or leased the motor vehicle, or piece of machinery or equipment, shall be presumed to have intended to deprive or defraud the owner thereof within the meaning of section 9A.56.020 defining the crime of theft. This presumption may be rebutted by evidence raising a reasonable inference that the failure to return the vehicle or piece of machinery or equipment was not with the intent to defraud or otherwise deprive the owner of his property.

NEW SECTION. Sec. 9A.56.100. THEFT AND LARCENY EQUATED. All offenses defined as larcenies outside of this Title 9A shall be treated as thefts as provided in this Title 9A.

NEW SECTION. Sec. 9A.56.110. EXTORTION—DEFINITION. "Extortion" means knowingly to obtain or attempt to obtain by threat property or services of the owner, as defined in section 9A.56.010(7).

NEW SECTION. Sec. 9A.56.120. EXTORTION IN THE FIRST DEGREE.

(1) A person is guilty of extortion in the first degree if he commits extortion by means of a threat as defined in section 9A.04.110(25)(a), (b), or (c).

(2) Extortion in the first degree is a Class B felony.

NEW SECTION. Sec. 9A.56.130. EXTORTION IN THE SECOND DEGREE.

(1) A person is guilty of extortion in the second degree if he commits extortion by means of a threat as defined in section 9A.04.110(25) (d) through (j).

(2) In any prosecution under this section based on a threat to accuse any person of a crime or cause criminal charges to be instituted against any person, it is a defense that the actor reasonably believed the threatened criminal charge to be true and that his sole purpose was to compel or induce the person threatened to take reasonable action to make good the wrong which was the subject of such threatened criminal charge.

(3) Extortion in the second degree is a Class C felony.

NEW SECTION. Sec. 9A.56.140. POSSESSING STOLEN PROPERTY—DEFINITION. (1) "Possessing stolen property" means knowingly to receive, retain, possess, conceal, or dispose of stolen property knowing that it has been stolen and to withhold or appropriate the same to the use of any person other than the true owner or person entitled thereto.

(2) The fact that the person who stole the property has not been convicted, apprehended, or identified is not a defense to a charge of possessing stolen property.

(3) When a person not an issuer or agent thereof has in his possession or under his control stolen credit cards issued in the names of two or more persons, he shall be presumed to know that they are stolen. This presumption may be rebutted by evidence raising a reasonable inference that the possession of such stolen credit cards was without knowledge that they were stolen.

NEW SECTION. Sec. 9A.56.150. POSSESSING STOLEN PROPERTY IN THE FIRST DEGREE. (1) A person is guilty of possessing stolen property in the first degree if he possesses stolen property which exceeds one thousand five hundred dollars in value.

(2) Possessing stolen property in the first degree is a Class B. felony.

NEW SECTION. Sec. 9A.56.160. POSSESSING STOLEN PROPERTY IN THE SECOND DEGREE. (1) A person is guilty of possessing stolen property in the second degree if:

(a) He possesses stolen property which exceeds two hundred fifty dollars in value but does not exceed one thousand five hundred dollars in value; or

(b) He possesses a stolen public record, writing or instrument kept, filed, or deposited according to law; or

(c) He possesses a stolen credit card; or

(d) He possesses a stolen motor vehicle of a value less than one thousand five hundred dollars.

(2) Possessing stolen property in the second degree is a Class C felony.

NEW SECTION. Sec. 9A.56.170. POSSESSING STOLEN PROPERTY IN THE THIRD DEGREE. (1) A person is guilty of possessing stolen property in the third de-

gree if he possesses stolen property which does not exceed two hundred fifty dollars in value.

(2) Possessing stolen property in the third degree is a gross misdemeanor.

NEW SECTION. Sec. 9A.56.180. **OBSCURING IDENTITY OF A MACHINE.**

(1) A person is guilty of obscuring identity of a machine if he knowingly:

(a) Obscures the manufacturer's serial number or any other distinguishing identification number or mark upon any vehicle, machine, engine, apparatus, appliance, or other device with intent to render it unidentifiable; or

(b) Possesses a vehicle, machine, engine, apparatus, appliance or other device held for sale knowing that the serial number or other identification number or mark has been obscured.

(2) "Obscure" means to remove, deface, cover, alter, destroy, or otherwise render unidentifiable.

(3) Obscuring identity of a machine is a gross misdemeanor.

NEW SECTION. Sec. 9A.56.190. **ROBBERY—DEFINITION.** A person commits robbery when he unlawfully takes personal property from the person of another or in his presence against his will by the use or threatened use of immediate force, violence or fear of injury to that person or his property or the person or property of anyone. Such force or fear must be used to obtain or retain possession of the property, or to prevent or overcome resistance to the taking; in either of which cases the degree of force is immaterial. Such taking constitutes robbery whenever it appears that, although the taking was fully completed without the knowledge of the person from whom taken, such knowledge was prevented by the use of force or fear.

NEW SECTION. Sec. 9A.56.200. **ROBBERY IN THE FIRST DEGREE.** (1) A person is guilty of robbery in the first degree if in the commission of a robbery or of immediate flight therefrom, he:

(a) Is armed with a deadly weapon; or

(b) Displays what appears to be a firearm or other deadly weapon; or

(c) Inflicts bodily injury.

(2) Robbery in the first degree is a Class A felony.

NEW SECTION. Sec. 9A.56.210. **ROBBERY IN THE SECOND DEGREE.** (1) A person is guilty of robbery in the second degree if he commits robbery.

(2) Robbery in the second degree is a Class B felony.

CHAPTER 9A.60

FRAUD

NEW SECTION. Sec. 9A.60.010. **DEFINITIONS.** The following definitions and the definitions of section 9A.56.010 are applicable in this chapter unless the context otherwise requires:

(1) "Written instrument" means: (a) any paper, document, or other instrument containing written or printed matter or its equivalent; or (b) any credit card, as defined in section 9A.56.010(3), token stamp, seal, badge, trademark, or other evidence or symbol of value, right, privilege, or identification.

(2) "Complete written instrument" means one which is fully drawn with respect to every essential feature thereof.

(3) "Incomplete written statement" means one which contains some matter by way of content or authentication but which requires additional matter in order to render it a complete written instrument.

(4) To "falsely make" a written instrument means to make or draw a complete or incomplete written instrument which purports to be authentic, but which is not authentic either because the ostensible maker is fictitious or because, if real, he did not authorize the making or drawing there.

(5) To "falsely complete" a written instrument means to transform an incomplete written instrument into a complete one by adding or inserting matter, without the authority of anyone entitled to grant it.

(6) To "falsely alter" a written instrument means to change, without authorization by anyone entitled to grant it, a written instrument, whether complete or incomplete, by

means of erasure, obliteration, deletion, insertion of new matter, transposition of matter, or in any other manner.

(7) "Forged instrument" means a written instrument which has been falsely made, completed or altered.

NEW SECTION. Sec. 9A.60.020. FORGERY. (1) A person is guilty of forgery if, with intent to injure or defraud:

(a) He falsely makes, completes, or alters a written instrument or;

(b) Possesses, utters, offers, disposes of, or puts off as true a written instrument which he knows to be forged.

(2) Forgery is a Class C felony.

NEW SECTION. Sec. 9A.60.030. OBTAINING A SIGNATURE BY DECEPTION OR DURESS. (1) A person is guilty of obtaining a signature by deception or duress if by deception or duress and with intent to defraud or deprive he causes another person to sign or execute a written instrument.

(2) Obtaining a signature by deception is a Class C felony.

NEW SECTION. Sec. 9A.60.040. Criminal IMPERSONATION. (1) A person is guilty of criminal impersonation if he:

(a) Assumes a false identity and does an act in his assumed character with intent to defraud another or for any other unlawful purpose; or

(b) Pretends to be a representative of some person or organization or a public servant and does an act in his pretended capacity with intent to defraud another or for any other unlawful purpose.

(2) Criminal impersonation is a gross misdemeanor.

NEW SECTION. Sec. 9A.60.050. FALSE CERTIFICATION. (1) Any person is guilty of false certification, if, being an officer authorized to take a proof or acknowledgment of an instrument which by law may be recorded, he knowingly certifies falsely that the execution of such instrument was acknowledged by any party thereto or that the execution thereof was proved.

(2) False certification is a gross misdemeanor.

CHAPTER 9A.92 LAWS REPEALED

NEW SECTION. Sec. 9A.92.010. ACTS OR PARTS OR ACTS REPEALED. The following acts or parts of acts are each hereby repealed:

(1) Section 376, chapter 249, Laws of 1909 and RCW 9.08.040;

(2) Section 40, page 82, Laws of 1854, section 44, page 189, Laws of 1873, section 823, Code of 1881, section 40, page 77, Laws of 1886, section 1, chapter 87, Laws of 1895, section 320, chapter 249, Laws of 1909, section 1, chapter 11, Laws of 1863 and RCW 9.09.010;

(3) Section 40, page 82, Laws of 1854, section 44, page 189, Laws of 1873, section 823, Code of 1881, section 40, page 77, Laws of 1886, section 1, chapter 87, Laws of 1895, section 321, chapter 249, Laws of 1909, section 1, chapter 265, Laws of 1927, section 2, chapter 11, Laws of 1963, section 1, chapter 17, Laws of 1965 ex. sess. and RCW 9.09.020;

(4) Section 322, chapter 249, Laws of 1909 and RCW 9.09.030;

(5) Section 323, chapter 249, Laws of 1909 and RCW 9.09.040;

(6) Section 5, chapter 87, Laws of 1895, section 325, chapter 249, Laws of 1909 and RCW 9.09.060;

(7) Section 324, chapter 249, Laws of 1909 and RCW 9.09.050;

(8) Section 44, page 83, Laws of 1854, section 48, page 190, Laws of 1873, section 827, Code of 1881, section 1, page 14, Laws of 1888, section 326, chapter 249, Laws of 1909 and RCW 9.19.010;

(9) Section 44, page 83, Laws of 1854, section 48, page 190, Laws of 1873, section 827, Code of 1881, section 1, page 14, Laws of 1888, section 327, chapter 249, Laws of 1909 and RCW 9.19.020;

(10) Section 49, page 190, Laws of 1873, section 828, Code of 1881, section 328, chapter 249, Laws of 1909 and RCW 9.19.030;

(11) Section 329, chapter 249, Laws of 1909 and RCW 9.19.040;

- (12) Section 1, chapter 90, Laws of 1893, section 330, chapter 249, Laws of 1909 and RCW 9.19.050;
- (13) Section 1, chapter 36, Laws of 1970 ex. sess. and RCW 9.26A.010;
- (14) Section 2, chapter 36, Laws of 1970 ex. sess. and RCW 9.26A.020;
- (15) Section 3, chapter 36, Laws of 1970 ex. sess. and RCW 9.26A.030;
- (16) Section 4, chapter 36, Laws of 1970 ex. sess. and RCW 9.26A.040;
- (17) Section 5, chapter 36, Laws of 1970 ex. sess. and RCW 9.26A.050;
- (18) Section 6, chapter 36, Laws of 1970 ex. sess. and RCW 9.26A.060;
- (19) Section 7, chapter 36, Laws of 1970 ex. sess. and RCW 9.26A.070;
- (20) Section 8, chapter 36, Laws of 1970 ex. sess. and RCW 9.26A.080;
- (21) Section 822, Code of 1881, section 358, chapter 249, Laws of 1909 and RCW 9.33.010;
- (22) Section 87, page 91, Laws of 1854, section 96, page 203, Laws of 1873, section 894, Code of 1881, section 359, chapter 249, Laws of 1909 and RCW 9.33.020;
- (23) Section 87, page 91, Laws of 1854, section 96, page 203, Laws of 1873, section 894, Code of 1881, section 360, chapter 249, Laws of 1909 and RCW 9.33.040;
- (24) Section 822, Code of 1881, section 361, chapter 249, Laws of 1909 and RCW 9.33.050;
- (25) Section 362, chapter 249, Laws of 1909 and RCW 9.33.060;
- (26) Section 108, page 95, Laws of 1854, section 119, page 208, Laws of 1873, section 923, Code of 1881 and RCW 9.33.070;
- (27) Section 365, chapter 249, Laws of 1909 and RCW 9.37.010;
- (28) Section 367, chapter 249, Laws of 1909 and RCW 9.37.020;
- (29) Section 421, chapter 249, Laws of 1909 and RCW 9.37.030;
- (30) Section 422, chapter 249, Laws of 1909 and RCW 9.37.040;
- (31) Section 1, chapter 46, Laws of 1911 and RCW 9.37.050;
- (32) Section 1, chapter 78, Laws of 1937 and RCW 9.37.060;
- (33) Section 370, chapter 249, Laws of 1909 and RCW 9.38.030;
- (34) Section 409, chapter 249, Laws of 1909 and RCW 9.38.050;
- (35) Section 267, chapter 249, Laws of 1909 and RCW 9.40.010;
- (36) Section 268, chapter 249, Laws of 1909 and RCW 9.40.020;
- (37) Section 269, chapter 249, Laws of 1909 and RCW 9.40.030;
- (38) Section 847, Code of 1881, section 9, page 127, Laws of 1890 and RCW 9.40.050;
- (39) Section 2, page 300, Laws of 1877, section 1225, Code of 1881, section 13, chapter 69, Laws of 1891 and RCW 9.40.060;
- (40) Section 1, page 300, Laws of 1877, section 1224, Code of 1881, section 14, chapter 69, Laws of 1891 and RCW 9.40.070;
- (41) Section 4, page 300, Laws of 1877, section 1227, Code of 1881, section 15, chapter 69, Laws of 1891 and RCW 9.40.080;
- (42) Section 338, chapter 249, Laws of 1909 and RCW 9.44.010;
- (43) Section 57, page 85, Laws of 1854, section 63, page 194, Laws of 1873, section 854, Code of 1881, section 331, chapter 249, Laws of 1909 and RCW 9.44.020;
- (44) Section 332, chapter 249, Laws of 1909 and RCW 9.44.030;
- (45) Section 57, page 85, Laws of 1854, section 63, page 194, Laws of 1873, section 854, Code of 1881, section 333, chapter 249, Laws of 1909 and RCW 9.44.040;
- (46) Section 334, chapter 249, Laws of 1909 and RCW 9.44.050;
- (47) Section 57, page 85, Laws of 1854, section 63, page 194, Laws of 1873, section 854, Code of 1881, section 335, chapter 249, Laws of 1909 and RCW 9.44.060;
- (48) Section 336, chapter 249, Laws of 1909 and RCW 9.44.070;
- (49) Section 122, chapter 249, Laws of 1909 and RCW 9.45.010;
- (50) Section 219, chapter 249, Laws of 1909 and RCW 9.45.030;
- (51) Section 375, chapter 249, Laws of 1909 and RCW 9.45.050;
- (52) Section 1, page 99, Laws of 1890 and RCW 9.45.200;
- (53) Section 45, page 83, Laws of 1854, section 50, page 190, Laws of 1873, section 830, Code of 1881, section 349, chapter 249, Laws of 1909, section 3, chapter 165, Laws of 1915 and RCW 9.54.010;

- (54) Section 1, chapter 155, Laws of 1915, section 1, chapter 64, Laws of 1919 and RCW 9.54.020;
- (55) Section 1, chapter 60, Laws of 1917, section 1, chapter 124, Laws of 1974 ex. sess. and RCW 9.54.030;
- (56) Section 2, chapter 60, Laws of 1917 and RCW 9.54.040;
- (57) Section 1, chapter 156, Laws of 1915 and RCW 9.54.050;
- (58) Section 350, chapter 249, Laws of 1909 and RCW 9.54.060;
- (59) Section 351, chapter 249, Laws of 1909 and RCW 9.54.070;
- (60) Section 352, chapter 249, Laws of 1909 and RCW 9.54.080;
- (61) Section 353, chapter 249, Laws of 1909, section 1, chapter 97, Laws of 1955 and RCW 9.54.090;
- (62) Section 354, chapter 249, Laws of 1909 and RCW 9.54.100;
- (63) Section 355, chapter 249, Laws of 1909 and RCW 9.54.110;
- (64) Section 1, chapter 63, Laws of 1961 and RCW 9.54.115;
- (65) Section 356, chapter 249, Laws of 1909 and RCW 9.54.120;
- (66) Section 1, chapter 32, Laws of 1965 and RCW 9.54.140;
- (67) Section 1, chapter 111, Laws of 1899, section 1, chapter 112, Laws of 1903, section 404, chapter 249, Laws of 1909, section 2, chapter 152, Laws of 1971 ex. sess. and RCW 9.61.010;
- (68) Section 1, chapter 64, Laws of 1893, section 1, chapter 41, Laws of 1897, section 405, chapter 249, Laws of 1909, section 3, chapter 152, Laws of 1971 ex. sess. and RCW 9.61.020;
- (69) Section 16, chapter 69, Laws of 1891, section 406, chapter 249, Laws of 1909, section 4, chapter 152, Laws of 1971 ex. sess. and RCW 9.61.030;
- (70) Section 1, page 30, Laws of 1862, section 1, page 300, Laws of 1877, sections 842, 843, 847, 848, 1224, Code of 1881, section 5, page 126, Laws of 1890, section 11, page 122, Laws of 1890, section 10, page 127, Laws of 1890, sections 4, 8, 11, 12, 13, 14, 16, 17, chapter 69, Laws of 1891, section 1, chapter 83, Laws of 1897, section 407, chapter 249, Laws of 1909, section 5, chapter 152, Laws of 1971 ex. sess. and RCW 9.61.040;
- (71) Section 408, chapter 249, Laws of 1909, section 6, chapter 152, Laws of 1971 ex. sess. and RCW 9.61.050;
- (72) Section 414, chapter 249, Laws of 1909 and RCW 9.61.060;
- (73) Section 415, chapter 249, Laws of 1909, section 1, chapter 152, Laws of 1971 ex. sess. and RCW 9.61.070;
- (74) Section 2, page 71, Laws of 1883, section 17, chapter 69, Laws of 1891 and RCW 9.61.080;
- (75) Section 1, chapter 114, Laws of 1899, section 7, chapter 152, Laws of 1971 ex. sess. and RCW 9.61.090;
- (76) Section 2, chapter 114, Laws of 1899 and RCW 9.61.100;
- (77) Section 3, chapter 114, Laws of 1899 and RCW 9.61.110;
- (78) Section 1, chapter 133, Laws of 1963 and RCW 9.61.220;
- (79) Section 3 and 4, page 81, Laws of 1854, section 36, page 204, Laws of 1869, section 38, page 187, Laws of 1873, section 829, Code of 1881, section 166, chapter 249, Laws of 1909 and RCW 9.75.010;
- (80) Section 399, chapter 249, Laws of 1909 and RCW 9.75.020;
- (81) Section 6, page 126, Laws of 1890 and RCW 9.75.030;
- (82) Section 1, chapter 229, Laws of 1959, section 1, chapter 76, Laws of 1967 and RCW 9.78.010;
- (83) Section 2, chapter 229, Laws of 1959 and RCW 9.78.020;
- (84) Section 4, chapter 229, Laws of 1959 and RCW 9.78.040;
- (85) Section 412, chapter 249, Laws of 1909 and RCW 9.83.010;
- (86) Section 1, chapter 128, Laws of 1913 and RCW 9.83.020;
- (87) Section 2, chapter 128, Laws of 1913 and RCW 9.83.030;
- (88) Section 3, chapter 128, Laws of 1913 and RCW 9.83.040;
- (89) Section 4, chapter 128, Laws of 1913 and RCW 9.83.050;
- (90) Section 1, page 124, Laws of 1890, section 413, chapter 249, Laws of 1909.

section 1, chapter 139, Laws of 1913 and RCW 9.83.060;

(91) Section 64, page 212, Laws of 1869, section 67, page 195, Laws of 1873 and RCW 9.83.070; and

(92) Section 1, chapter 7, Laws of 1969 and RCW 9.83.080.

NEW SECTION. Sec. 9A.92.020. SAVINGS CLAUSE. The laws repealed by section 9A.92.010 are repealed except with respect to rights and duties which matured, penalties which were incurred and proceedings which were begun before the effective date of this act.

NEW SECTION. Sec. 9A.92.900. LEGISLATIVE DIRECTION FOR CODIFICATION. The provisions of this act shall constitute a new Title in the Revised Code of Washington to be designated as Title 9A RCW."

On motion of Senator Benitz, the following amendments by Senators Benitz and Jolly and Senators Benitz and Donohue to the amendment by Senator Francis were considered and adopted simultaneously:

On page 6, line 36 of the amendment, after "breaking" insert "or agricultural or industrial sabotage".

On page 6, line 36 of the amendment, after "breaking" insert "and shall include any diminution in the value of any property as a consequence of an act".

On motion of Senator Scott, the following amendments to the amendment by Senator Francis were considered and adopted simultaneously:

On page 12, line 22 of the amendment, after "performed." insert a new subsection (5).

"(5) 'Deprive' in addition to its common meaning means to make unauthorized use or an unauthorized copy of records, information, data, trade secrets or computer programs of a private proprietary nature."

Re-number remaining subsections consecutively.

On page 13, line 14 of the amendment, after "transportation services," and before "the" insert "electronic computer services,".

Senator Lewis (Harry) moved adoption of the following amendment to the amendment by Senator Francis:

On page 16, line 2 of the amendment, strike subsection (2) and insert new subsections (2) and (3) as follows:

"(2) Unlawful issuance of a bank check in an amount greater than one hundred dollars is a class C felony.

(3) Unlawful issuance of a bank check in an amount of one hundred dollars or less is a gross misdemeanor."

POINT OF INQUIRY

Senator Woody: "Would Senator Francis yield? What are the dollar breakdowns of our class felonies right now for stealing, and is one hundred dollars consistent with that?"

Senator Francis: "Yes, Senator Woody, that is consistent. The bill as introduced to us, suggested to us by the Bar Association and the prosecutors, would have made two hundred and fifty dollars the dividing line but the committee's action brought that back down to one hundred dollars. Of course, the present level is seventy-five. So what Senator Lewis has done here is consistent with the theft section."

The motion by Senator Lewis (Harry) carried and the amendment to the amendment by Senator Francis was adopted.

The motion by Senator Francis carried and the amendment, as amended, was adopted.

There being no objection, the Senate reconsidered adoption of the amendment by Senator Francis, as amended.

On motion of Senator Francis, the following amendment to the amendment by Senator Francis was adopted:

On page 1, line 10, after "July 1," strike "1976" and insert "1977".

The motion by Senator Francis carried and the amendment, as amended, on reconsideration, was adopted.

On motion of Senator Francis, the following amendment to the title was adopted:

On line 1 of the title, after "criminal procedure;" strike the remainder of the title and insert the following:

"adding a new Title to the Revised Code of Washington to be designated as Title 9A; repealing section 376, chapter 249, Laws of 1909 and RCW 9.08.040; repealing section 40, page 82, Laws of 1854; section 44, page 189, Laws of 1873, section 823, Code of 1881, section 40, page 77, Laws of 1886, section 1, chapter 87, Laws of 1895, section 320, chapter 249, Laws of 1909, section 1, chapter 11, Laws of 1863 and RCW 9.09.010; repealing section 40, page 82, Laws of 1854, section 44, page 189, Laws of 1873, section 823, Code of 1881, section 40, page 77, Laws of 1886, section 1, chapter 87, Laws of 1895, section 321, chapter 249, Laws of 1909, section 1, chapter 265, Laws of 1927, section 2, chapter 11, Laws of 1963, section 1, chapter 17, Laws of 1965 ex. sess. and RCW 9.09.020; repealing section 322, chapter 249, Laws of 1909 and RCW 9.09.030; repealing section 323, chapter 249, Laws of 1909 and RCW 9.09.040; repealing section 324, chapter 249, Laws of 1909 and RCW 9.09.050; repealing section 6, chapter 87, Laws of 1895, section 325, chapter 249, Laws of 1909 and RCW 9.09.060; repealing section 44, page 83, Laws of 1854, section 48, page 190, Laws of 1873, section 827, Code of 1881, section 1, page 14, Laws of 1888, section 326, chapter 249, Laws of 1909 and RCW 9.19.010; repealing section 44, page 83, Laws of 1854, section 48, page 190, Laws of 1873, section 827, Code of 1881, section 1, page 14, Laws of 1888, section 327, chapter 249, Laws of 1909 and RCW 9.19.020; repealing section 49, page 190, Laws of 1873, section 828, Code of 1881, section 328, chapter 249, Laws of 1909 and RCW 9.19.030; repealing section 329, chapter 249, Laws of 1909 and RCW 9.19.040; repealing section 1, chapter 90, Laws of 1893, section 330, chapter 249, Laws of 1909 and RCW 9.19.050; repealing section 1, chapter 36, Laws of 1970 ex. sess. and RCW 9.26A.010; repealing section 2, chapter 36, Laws of 1970 ex. sess. and RCW 9.26A.020; repealing section 3, chapter 36, Laws of 1970 ex. sess. and RCW 9.26A.030; repealing section 4, chapter 36, Laws of 1970 ex. sess. and RCW 9.26A.040; repealing section 5, chapter 36, Laws of 1970 ex. sess. and RCW 9.26A.050; repealing section 6, chapter 36, Laws of 1970 ex. sess. and RCW 9.26A.060; repealing section 7, chapter 36, Laws of 1970 ex. sess. and RCW 9.26A.070; repealing section 8, chapter 36, Laws of 1970 ex. sess. and RCW 9.26A.080; repealing section 822, Code of 1881, section 358, chapter 249, Laws of 1909 and RCW 9.33.010; repealing section 87, page 91, Laws of 1854, section 96, page 203, Laws of 1873, section 894, Code of 1881, section 359, chapter 249, Laws of 1909 and RCW 9.33.020; repealing section 87, page 91, Laws of 1854, section 96, page 203, Laws of 1873, section 894, Code of 1881, section 360, chapter 249, Laws of 1909 and RCW 9.33.040; repealing section 822, Code of 1881, section 361, chapter 249, Laws of 1909 and RCW 9.33.050; repealing section 362, chapter 249, Laws of 1909 and RCW 9.33.060; repealing section 108, page 95, Laws of 1854, section 119, page 208, Laws of 1873, section 923, Code of 1881 and RCW 9.33.070; repealing section 365, chapter 249, Laws of 1909 and RCW 9.37.010; repealing section 367, chapter 249, Laws of 1909 and RCW 9.37.020; repealing section 421, chapter 249, Laws of 1909 and RCW 9.37.030; repealing section 422, chapter 249, Laws of 1909 and RCW 9.37.040; repealing section 1, chapter 46, Laws of 1911 and RCW 9.37.050; repealing section 1, chapter 78, Laws of 1937 and RCW 9.37.060; repealing section 370, chapter 249, Laws of 1909 and RCW 9.38.030; repealing section 409, chapter 249, Laws of 1909 and RCW 9.38.050; repealing section 267, chapter 249, Laws of 1909 and RCW 9.40.010; repealing section 268, chapter 249, Laws of 1909 and RCW 9.40.020; repealing section 269, chapter 249, Laws of 1909 and RCW 9.40.030; repealing section 847, Code of 1881, section 9, page 127, Laws of 1890 and RCW 9.40.050; repealing section 2, page 300, Laws of 1877, section 1225, Code of 1881, section 13, chapter 69, Laws of 1891 and RCW 9.40.060; repealing section 1, page 300, Laws of 1877, section 1224, Code of 1881, section 14, chapter 69, Laws of 1891 and RCW 9.40.070; repealing section 4, page 300, Laws of 1877, section 1227, Code of 1881, section 15, chapter 69, Laws of 1891 and RCW 9.40.080; repealing section 338, chapter 249, Laws of 1909 and RCW 9.44.010; repealing section 57, page 85, Laws of 1854, section 63, page 194, Laws of 1873, section 854, Code of 1881, section 331, chapter 249, Laws of 1909 and RCW

9.44.020; repealing section 332, chapter 249, Laws of 1909 and RCW 9.44.030; repealing section 57, page 85, Laws of 1854, section 63, page 194, Laws of 1873, section 854, Code of 1881, section 333, chapter 249, Laws of 1909 and RCW 9.44.040; repealing section 334, chapter 249, Laws of 1909 and RCW 9.44.050; repealing section 57, page 85, Laws of 1854, section 63, page 194, Laws of 1873, section 854, Code of 1881, section 335, chapter 249, Laws of 1909 and RCW 9.44.060; repealing section 336, chapter 249, Laws of 1909 and RCW 9.44.060; repealing section 336, chapter repealing section 122, chapter 249, Laws of 1909 and RCW 9.45.010; repealing section 219, chapter 249, Laws of 1909 and RCW 9.45.030; repealing section 375, chapter 249, Laws of 1909 and RCW 9.45.050; repealing section 1, page 99, Laws of 1890 and RCW 9.45.200; repealing section 45, page 83, Laws of 1854, section 50, page 190, Laws of 1873, section 830, Code of 1881, section 349, chapter 249, Laws of 1909, section 3, chapter 165, Laws of 1915 and RCW 9.54.010; repealing section 1, chapter 155, Laws of 1915, section 1, chapter 64, Laws of 1919 and RCW 9.54.020; repealing section 1, chapter 60, Laws of 1917, section 1, chapter 124, Laws of 1974 ex. sess. and RCW 9.54.030; repealing section 2, chapter 60, Laws of 1917 and RCW 9.54.040; repealing section 1, chapter 156, Laws of 1915 and RCW 9.54.050; repealing section 350, chapter 249, Laws of 1909 and RCW 9.54.060; repealing section 351, chapter 249, Laws of 1909 and RCW 9.54.070; repealing section 352, chapter 249, Laws of 1909 and RCW 9.54.080; repealing section 353, chapter 249, Laws of 1909, section 1, chapter 97, Laws of 1955 and RCW 9.54.090; repealing section 354, chapter 249, Laws of 1909 and RCW 9.54.100; repealing section 355, chapter 249, Laws of 1909 and RCW 9.54.110; repealing section 1, chapter 63, Laws of 1961 and RCW 9.54.115; repealing section 356, chapter 249, Laws of 1909 and RCW 9.54.120; repealing section 1, chapter 32, Laws of 1965 and RCW 9.54.140; repealing section 1, chapter 111, Laws of 1899, section 1, chapter 112, Laws of 1903, section 404, chapter 249, Laws of 1909, section 2, chapter 152, Laws of 1971 ex. sess. and RCW 9.61.010; repealing section 1, chapter 64, Laws of 1893, section 1, chapter 41, Laws of 1897, section 405, chapter 249, Laws of 1909, section 3, chapter 152, Laws of 1971 ex. sess. and RCW 9.61.020; repealing section 16, chapter 69, Laws of 1891, section 406, chapter 249, Laws of 1909, section 4, chapter 152, Laws of 1971 ex. sess. and RCW 9.61.030; repealing section 1, page 30, Laws of 1862, section 1, page 300, Laws of 1877, sections 842, 843, 847, 848, 1224, Code of 1881, section 5, page 126, Laws of 1890, section 11, page 122, Laws of 1890, section 10, page 127, Laws of 1890, sections 4, 8, 11, 12, 13, 14, 16, 17, chapter 69, Laws of 1891, section 1, chapter 83, Laws of 1897, section 407, chapter 249, Laws of 1909, section 5, chapter 152, Laws of 1971 ex. sess. and RCW 9.61.040; repealing section 408, chapter 249, Laws of 1909, section 6, chapter 152, Laws of 1971 ex. sess. and RCW 9.61.050; repealing section 414, chapter 249, Laws of 1909 and RCW 9.61.060; repealing section 415, chapter 249, Laws of 1909, section 1, chapter 152, Laws of 1971 ex. sess. and RCW 9.61.070; repealing section 2, page 71, Laws of 1883, section 17, chapter 69, Laws of 1891 and RCW 9.61.080; repealing section 1, chapter 114, Laws of 1899, section 7, chapter 152, Laws of 1971 ex. sess. and RCW 9.61.090; repealing section 2, chapter 114, Laws of 1899 and RCW 9.61.100; repealing section 3, chapter 114, Laws of 1899 and RCW 9.61.110; repealing section 1, chapter 133, Laws of 1963 and RCW 9.61.220; repealing sections 3 and 4, page 81, Laws of 1854, section 36, page 204, Laws of 1869, section 38, page 187, Laws of 1873, section 829, Code of 1881, section 166, chapter 249, Laws of 1909 and RCW 9.75.010; repealing section 399, chapter 249, Laws of 1909 and RCW 9.75.020; repealing section 6, page 126, Laws of 1890 and RCW 9.75.030; repealing section 1, chapter 229, Laws of 1959, section 1, chapter 76, Laws of 1967 and RCW 9.78.010; repealing section 2, chapter 229, Laws of 1959 and RCW 9.78.020; repealing section 4, chapter 229, Laws of 1959 and RCW 9.78.040; repealing section 412, chapter 249, Laws of 1909 and RCW 9.83.010; repealing section 3, chapter 128, Laws of 1913 and RCW 9.83.040; repealing section 1, chapter 128, Laws of 1913 and RCW 9.83.020; repealing section 2, chapter 128, Laws of 1913 and RCW 9.83.030; repealing section 4, chapter 128, Laws of 1913 and RCW 9.83.050; repealing section 1, page 124, Laws of 1890, section 413, chapter 249, Laws of 1909, section 1, chapter 139, Laws of 1913 and RCW 9.83.060; repealing section 64, page 212, Laws of 1869, section 67, page

195, Laws of 1873 and RCW 9.83.070; repealing section 1, chapter 7, Laws of 1969 and RCW 9.83.080; defining crimes; prescribing penalties; and prescribing an effective date."

MOTION

Senator Woody moved that further consideration of Senate Bill No. 2230 as amended, be held following consideration of Senate Bill No. 2314.

POINT OF INQUIRY

Senator Washington: "Would Senator Woody yield? Would you state again the page and line where your amendment is proposed?"

Senator Woody: "Yes, very quickly marking it up, and I will have the written amendment on your desk shortly. On page 15 of the Senator Francis floor amendment, on line 10 it says 'one hundred dollars'. My amendment will be 'two hundred and fifty.' Line 22 where it says 'one hundred dollars', that should be 'two hundred and fifty', and on the Senator Harry Lewis amendment on bank checks, the amount should be on both (2) and (3) changed to two hundred and fifty dollars."

The motion by Senator Woody carried. Senate Bill No. 2230, as amended, was placed on today's second reading calendar following Senate Bill No. 2314.

MOTION

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

MOTION FOR RECONSIDERATION

Having voted on the prevailing side and having served notice, Senator Bluechel moved that the Senate reconsider the vote by which Substitute Senate Bill No. 2313 failed to pass the Senate.

Debate ensued.

The motion by Senator Bluechel carried and the Senate moved to reconsider the vote by which Substitute Senate Bill No. 2313 failed to pass the Senate.

MOTIONS

On motion of Senator Francis, the rules were suspended and Substitute Senate Bill No. 2313 was returned to second reading.

On motion of Senator Francis, Substitute Senate Bill No. 2313 was ordered placed at the beginning of the second reading calendar for Tuesday, April 1, 1975.

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

SECOND READING

SENATE BILL NO. 2230, by Senators Clarke, Jones and Morrison:

Enacting a new criminal code relating to crimes against property.

The Senate resumed consideration of Senate Bill No. 2230 as amended earlier today.

MOTION

Senator Woody moved the Senate reconsider the vote by which the amendment by Senator Francis, as amended, was adopted.

The motion by Senator Woody carried.

Senator Woody moved adoption of the following amendment by Senators Woody, Grant and Van Hollebeke to the amendment by Senator Francis:

On page 15, line 10, strike "one hundred" and insert "two hundred fifty"

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Would Senator Francis yield to a question? Senator Francis, this up to the two hundred and fifty dollars as Senator Woody proposes, this would be a gross misdemeanor. What is the maximum under the gross misdemeanor?"

Senator Francis: "The maximum as now would be one year basically, in the county jail and a fine, I forget the exact amount."

Senator Rasmussen: "Then as you would suggest classing it as a felony, what would the judge be able to give the person?"

Senator Francis: "The judge could then commit them to the Department of Institutions and under our current law they would stay there for as long as they need to, or as long as their term is set. I would have to refer to the class of felonies involved and I believe that is a class C felony."

Senator Rasmussen: "Class C, right."

Senator Francis: "So we look back to the statute that we passed here the other day. I think it is not more than five year provision is my recollection for class C felonies. I might add also that when you have a felony, in addition to being able to go to the Department of Institutions instead of just the county jail, that as far as law enforcement is concerned, as far as the police resources that are available to attempt to apprehend these individuals, a lot more is available when it is a felony they are going after."

Senator Rasmussen: "One more question, Senator, as a felony, would it require trial in superior court?"

Senator Francis: "Basically, that is a superior court trial matter, yes."

Senator Rasmussen: "Thank you."

Further debate ensued.

Senator Marsh demanded a roll call and the demand was sustained by Senators Francis, Rasmussen, von Reichbauer, Washington, Clarke, Newschwander, Sellar, Buffington, North and Gould.

ROLL CALL

The Secretary called the roll and the amendment by Senators Woody, Grant and Van Hollebeke to the amendment by Senator Francis was not adopted by the following vote: Yeas, 14; nays, 35.

Voting yea: Senators Beck, Bottiger, Cunningham, Goltz, Grant, Herr, Mardesich, McDermott, Peterson, Rasmussen, Ridder, Van Hollebeke, Wilson, Woody—14.

Voting nay: Senators Bailey, Benitz, Bluechel, Buffington, Clarke, Day, Donohue, Fleming, Francis, Gould, Guess, Henry, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Marsh, Matson, Morrison, Murray, Newschwander, North, Odegaard, Pullen, Sandison, Scott, Sellar, Stortini, Talley, von Reichbauer, Walgren, Wanamaker, Washington—35.

The President declared the question before the Senate to be adoption of the amendment by Senator Francis, as amended.

The motion by Senator Francis carried and the amendment, as amended, was adopted.

On motion of Senator Francis, the rules were suspended, Engrossed Senate Bill No. 2230 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. 2230, and the bill passed the Senate by the following vote: Yeas, 46; nays, 3.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—46.

Voting nay: Senators Grant, Pullen, Rasmussen—3.

ENGROSSED SENATE BILL NO. 2230, having received the 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 Mardesich, the Senate commenced consideration of Senate Joint Resolution No. 129.

SECOND READING

SENATE JOINT RESOLUTION NO. 129, by Senator Mardesich:
Amending the State Constitution.

MOTIONS

On motion of Senator Mardesich, Substitute Senate Joint Resolution No. 129 was substituted for Senate Joint Resolution No. 129, and the substitute resolution was placed on second reading and read the second time in full.

On motion of Senator Mardesich, Substitute Senate Joint Resolution No. 129 was ordered to hold its place on the second reading calendar for Tuesday, April 1, 1975.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of Senate Bill No. 2607.

SECOND READING

SENATE BILL NO. 2607, by Senators Walgren and Guess (by Department of Highways request):

Revising priorities for state highway improvements.

REPORT OF STANDING COMMITTEE

March 18, 1975.

SENATE BILL NO. 2607, revising priorities for state highway improvements (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 20 after "section," and before "fourteen" insert "*based upon needs for the ensuing*".

On page 4, line 31 after "criteria" and before the semicolon insert "(not necessarily in order of importance)".

On page 5, line 30 after the period add "The commission shall maintain in its files information sufficient to show the extent to which the commission has departed from the established priority of projects."

On page 6, line 11 after the period add "For the biennium ending June 30, 1977, the commission may deviate from the existing long range plan and the six year plan whenever it shall determine that further development of any project, regardless of location or functional class, may be incompatible with the modified procedures prescribed by this 1975 amendatory act and the long range plan and the six year plan being developed pursuant thereto for the periods 1977 to 1991 and 1977 to 1983 respectively."

Signed by: Senators Walgren, Chairman; Beck, Bluechel, Bottiger, Guess, Jolly, Morrison, Sellar, Talley.

The bill was read the second time by sections.

On motion of Senator Bottiger, the committee amendments were adopted.

MOTION

On motion of Senator Washington, Senate Bill No. 2607, as amended, was ordered to hold its place on the second reading calendar for Monday, March 31, 1975.

MOTION

On motion of Senator Mardesich, the Senate resumed consideration of Senate Bill No. 2403, as amended.

SECOND READING

SENATE BILL NO. 2403, by Senators Jones, Francis and Wanamaker:
Providing arrest procedures for specified traffic offenses.

The Senate resumed consideration of Senate Bill No. 2403, as amended on March 24, 1975.

Senator Grant moved adoption of the following amendment by Senators Grant, Van Hollebeke and Jones:

On page 8, following section 6, add a new section to read as follows:

"Sec. 7. Section 1, chapter 5, Laws of 1973 and RCW 46.20.391 are each amended to read as follows:

(1) A person is eligible to petition for an occupational driver's license if he has been convicted of an offense relating to motor vehicles, other than negligent homicide or manslaughter, for which suspension or revocation of his driver's license is mandatory, *including suspensions or revocations pursuant to RCW 46.20.308*: PROVIDED, That notwithstanding the provisions of RCW 46.20.270, if such person declares at the time of conviction his intent to so petition, the court may stay the effect of such mandatory suspension or revocation for a period not to exceed thirty days to allow the making of such petition.

(2) A petitioner for an occupational driver's license is eligible to receive such license only if:

(a) Within one year immediately preceding the present conviction he has not been convicted of any offense relating to motor vehicles for which suspension or revocation of a driver's license is mandatory; and

(b) He is engaged in an occupation or trade which makes it essential that he operate a motor vehicle; and

(c) He files satisfactory proof of financial responsibility pursuant to chapter 46.29 RCW.

(3) A petitioner for an occupational driver's license must file a verified petition on a form provided by the director, who shall issue such form upon receipt of the prescribed fee if petitioner is eligible under the requirements of subsections (1) and (2)(a) and (2)(c) of this section. Petitioner must set forth in detail in such petition his need for operating a motor vehicle and may file such petition with any judge in a court of record, justice court, or municipal court having criminal jurisdiction in the county of the petitioner's residence or shall file with the department in the case of a suspension or revocation under RCW 46.20.308.

If [such] the petitioner is qualified under the provisions of subsection (2)(b) of this section, and if the judge to whom petition was made or the director in the case of a suspension or revocation under RCW 46.20.308 believes such petition should be granted, [such] the judge may order the director to issue an occupational driver's license to [such] the petitioner or the director may issue an occupational driver's license to the petitioner in the case of a suspension or revocation under RCW 46.20.308: PROVIDED, That an occupational driver's license may be issued for a period of not more than one year, and shall permit the operation of a motor vehicle not to exceed twelve hours per day and then only when such operation is essential to the licensee's occupation or trade: PROVIDED FURTHER, That [such] the order of the judge or the director shall be on a form provided by the director, and shall contain definite restrictions as to hours of the day, days of the week, type of occupation, and areas or routes of travel to be permitted under such license and such other conditions as the judge or the director granting the same deems appropriate.

A copy of the order and of the petition shall be sent to the director by the court. The order shall be given to the petitioner and shall serve as his occupational license until the petitioner receives the license issued by the director: PROVIDED, That the director

shall not be required to issue such license if the petitioner's mandatory suspension or revocation is for sixty days or less.

(4) If the convicting judge granted a stay of effect as provided in subsection (1) of this section, then at the time the judge to whom petition was made issues the order he shall collect the petitioner's driver's license in the same manner as is specified in RCW 46.20.270, and at such time also the conviction shall take full effect.

(5) The director shall cancel an occupational driver's license upon receipt of notice that the holder thereof has been convicted of operating a motor vehicle in violation of its restrictions, or of an offense which pursuant to chapter 46.20 RCW would warrant suspension or revocation of a regular driver's license. Such cancellation shall be effective as of the date of such conviction, and shall continue with the same force and effect as any suspension or revocation under this title."

Renumber the remaining sections consecutively.

Debate ensued.

POINT OF ORDER

Senator Francis: "Mr. President, I raise the question of scope and object with regard to this amendment. Speaking to the point, I do have to note first that the comment from this side of the aisle was that the President pointed out that this is Senator Grant's second term. He did not point out anything with regard to it being his final term.

"I read this bill, Mr. President and members of the Senate, and speaking to Mr. President, as relating mainly to the problem that has been created by the decriminalization of drunkenness and public drunkenness and because of that we have to find a means to get at the problem of the drunken driver that is not observed in the process of drunk driving, and this bill really does two things. It makes it possible to arrest those people and it makes it possible to gather evidence in certain cases. It does not speak a thing about what happens once they have been determined to be guilty of anything. It has nothing to do with availability of driver's licenses. It has nothing to do with occupational permits. The amendment put up by Senator Grant is completely unrelated to the bill and beyond the scope and object of the bill."

Further consideration of the amendment by Senators Grant, Van Hollebeke and Jones, together with the point of order as raised on the amendment by Senator Francis, was ordered held for Monday, March 31, 1975.

MOTIONS

On motion of Senator Lewis (R. H. "Bob"), Senate Bill No. 2226 was ordered to hold its place on the second reading calendar for Monday, March 31, 1975.

On motion of Senator Mardesich, the Senate commenced consideration of Senate Bill No. 2336.

SECOND READING

SENATE BILL NO. 2336, by Senators Bottiger, Beck and Guess (by Utilities and Transportation Commission request):

Making changes in the laws relating to public service companies.

The bill was read the second time by sections.

On motion of Senator Bottiger, the rules were suspended, Senate Bill No. 2336 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. 2336, and the bill passed the Senate by the following vote: Yeas, 47; absent or not voting, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fléming, Francis, Goltz, Gould, Grant, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson,

Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—47.

Absent or not voting: Senators Guess, Pullen—2.

SENATE BILL NO. 2336, having received the 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 Mardesich, the Senate commenced consideration of Senate Bill No. 2226.

SECOND READING

SENATE BILL NO. 2226, by Senators Francis, Woody and Clarke:
Requiring state to pay costs and fees of indigent appeals.

REPORT OF STANDING COMMITTEE

February 14, 1975.

SENATE BILL NO. 2226, requiring state to pay costs and fees of indigent appeals (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 25 after "when" insert "*from and after December 20, 1973*".

Signed by: Senators Francis, Chairman; Buffington, Fleming, Jones, Scott, Van Hollebeke, Woody.

The bill was read the second time by sections.

On motion of Senator Francis, the committee amendment was adopted.

On motion of Senator Woody, the following amendments by Senators Woody and Keefe were considered and adopted simultaneously:

On page 1, line 13, after "reporter" and before "shall" insert "*and clerk of the court*".

On page 1, line 17, after "reporter" and before "for" insert "*and clerk of the court*".

On motion of Senator Francis, the rules were suspended, Engrossed Senate Bill No. 2226 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 Donohue: "Will Senator Francis yield? I note in here that the state is supposed to pay these costs. Do you have a fiscal note on this? We are trying to run one down right now and in fact it is on its way."

Senator Francis: "It is a very confusing situation. There have not been very many cases, civil cases, in which it has been held that an indigent had a right to have those transcripts paid for. I believe we are in the area of under five thousand dollars, Senator. In fact, quite interestingly, the main opposition to this bill of the Judicial Council was from the then Chief Justice Hale who did not want to ever grant any of these, and I would say that if his philosophy prevails in the State Supreme Court, you will find that the number of these is greatly reduced, like down to none. So I do not think that we can predict it except to say that I am sure that it will be under five thousand dollars for the biennium."

Senator Donohue: "Senator Francis, the figure is fourteen thousand for a two year period and I want you to know that we are aware of this."

Senator Francis: "Senator, I would dispute that figure. I disagree with it and I do not buy it. I have heard it and I do not buy it."

Senator Donohue: "Well, until we have proof I will buy it, and we will remember that figure upstairs."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2226, and the bill passed the Senate by the following vote: Yeas, 48; nays, 1.

Voting yea: Senators Bailey, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—48.

Voting nay: Senator Beck—1.

ENGROSSED SENATE BILL NO. 2226, having received the 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 Grant: "Lieutenant Governor John Andrew Cherberg, I understand you are serving your tenth session as President of the Senate and as Ex Officio Chairman of the Senate Rules Committee, and I am sure this will not be your last session, unless of course you aspire to a higher office and are elected. I understand too that you were first elected Lieutenant Governor in 1956 and you have been reelected in 1960, 1964, 1968, and 1972. You were born, I understand, in Pensacola, Florida, and received a life teaching diploma from the University of Washington in 1934, the year of my birth. Formerly you were a school teacher and head football coach at the University of Washington prior to your election. I am not sure how many children you have, you and your lovely wife, Betty. The record would indicate there are three children in your family. I would like, under a point of personal privilege, to wish you and the other members of the Senate a very happy Easter."

MOTION

At 12:26 p.m., on motion of Senator Mardesich, the Senate adjourned until 11:00 a.m., Monday, March 31, 1975.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

EIGHTEENTH DAY**MORNING SESSION**

Senate Chamber, Olympia, Monday, March 31, 1975.

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 Murray. On motion of Senator Lewis (R. H. "Bob"), Senator Murray was excused.

The Color Guard, consisting of Pages Mary Wilson and Bart Peterson, presented the Colors. Reverend Glen D. Cole, pastor of Evergreen Christian Center of Olympia, offered the following prayer:

"HEAVENLY FATHER, ON THIS DAY AFTER EASTER WE ARE THANKFUL THAT OUR SAVIOUR STILL LIVES; THANKFUL THAT HE LIVES TO GIVE TO US THE STRENGTH, THE HOPE, THE LOVE, THE WISDOM TO LIVE ANOTHER DAY. WE PAUSE TO INVOKE YOUR BLESSING UPON OUR STATE SENATE. GRANT TO THESE GOVERNMENTAL LEADERS A SENSE OF YOUR PRESENCE IN THEIR LIVES. THE WORDS OF SCRIPTURE ARE SO TRUE, 'EXCEPT THE LORD BUILD THE HOUSE, THEY LABOR IN VAIN THAT BUILD IT!' THIS CAN APPLY TO A FAMILY, A CHURCH, A STATE, OR A NATION. SO WE LOOK TO YOU, LORD. WE OPEN UP OUR INTELLECT, OUR WILL, OUR EMOTIONS TO YOU. PERFORM YOUR PERFECT WILL THROUGH US. GIVE ANSWERS TO PERPLEXING PROBLEMS. GIVE INSIGHT IN ALL MATTERS THAT LIE BEFORE THIS BODY.

"WE CONCLUDE THIS TIME OF DEVOTION BY SAYING, 'THANK YOU, LORD!' YOU ARE SO GOOD TO US, AND WE ARE SO UNDESERVING. MAY OUT OF OUR THANKFULNESS WE BECOME MORE USEFUL TO YOU, AND TO THE CITIZENRY THAT WE SERVE. WE MAKE THIS PRAYER IN JESUS' NAME. AMEN."

MOTION

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

REPORTS OF STANDING COMMITTEES

March 28, 1975.

SENATE BILL NO. 2043, setting forth a program to provide proper nutrition for school children (reported by Committee on Rules):

MAJORITY recommendation: That Senate Bill No. 2043 be referred to the Committee on Ways and Means.

Signed by: Lieutenant Governor Cherberg, Chairman; Senators Bailey, Bottiger, Clarke, Guess, Henry, Herr, Lewis (Harry), Mardesich, Marsh, Matson, Newschwander, Talley.

Referred to Committee on Ways and Means.

March 28, 1975.

SENATE BILL NO. 2214, authorizing award of highway labor contracts to minority contractors (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Walgren, Chairman; Henry, Vice Chairman; Beck, Bluechel, Guess, Jolly, Knoblauch, Sellar, Stortini.

Passed to Committee on Rules for second reading.

March 28, 1975.

SENATE BILL NO. 2288, defining an employee of the Washington toll bridge authority to include toll collectors on the Hood Canal floating bridge (reported by Committee on Transportation and Utilities);

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Walgren, Chairman; Henry, Vice Chairman; Beck, Bottiger, Guess, Jolly, Knoblauch, Peterson, Sellar, Stortini.

Passed to Committee on Rules for second reading.

March 28, 1975.

SENATE BILL NO. 2290, appropriating funds to counties to aid in operation of criminal justice system (reported by Committee on Rules):

MAJORITY recommendation: That Senate Bill No. 2290 be referred to the Committee on Ways and Means.

Signed by: Lieutenant Governor Cherberg, Chairman; Senators Bailey, Bottiger, Clarke, Guess, Henry, Herr, Lewis (Harry), Mardesich, Marsh, Matson, Newschwander, Talley.

Referred to Committee on Ways and Means.

March 28, 1975.

SENATE BILL NO. 2363, changing the board of prison terms and parole (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Francis, Chairman; Buffington, Clarke, Fleming, Jones, Van Hollebeke.

Passed to Committee on Rules for second reading.

March 31, 1975.

SENATE BILL NO. 2476, revising promotions of state patrol officers (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass.

Signed by: Senators Walgren, Chairman; Henry, Vice Chairman; Beck, Bluechel, Bottiger, Guess, Jolly, Peterson, Sellar.

Passed to Committee on Rules for second reading.

March 28, 1975.

SENATE BILL NO. 2500, enacting the educational employment relations act (reported by Committee on Labor):

Recommendation: That Substitute Senate Bill No. 2500 be substituted therefor and the substitute bill do pass.

Signed by: Senators Ridder, Chairman; Bailey, Grant, Matson, Morrison, Sellar, von Reichbauer.

Passed to Committee on Rules for second reading.

March 31, 1975.

SENATE BILL NO. 2519, relating to the council on higher education (reported by Committee on Higher Education):

Recommendation: That Substitute Senate Bill No. 2519 be substituted therefor and the substitute bill do pass.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Guess, Odegaard, Scott.

Passed to Committee on Rules for second reading.

March 28, 1975.

SENATE BILL NO. 2860, requiring group disability insurance contracts and

health care service contracts to cover certain mental disorders (reported by Committee on Social and Health Services):

MAJORITY recommendation: That Substitute Senate Bill No. 2860 be substituted therefor and the substitute bill do pass.

Signed by: Senators Day, Chairman; Buffington, Cunningham, Goltz, Gould, Herr, Pullen, Ridder, Van Hollebeke.

Passed to Committee on Rules for second reading.

March 28, 1975.

SUBSTITUTE HOUSE BILL NO. 77, implementing the law relating to elections generally (reported by Committee on Constitution and Elections):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Beck, Chairman; Grant, Lewis (R. H. "Bob"), Stortini, Washington.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENT

March 28, 1975.

VIRGINIA GREGSON, to the position of Commissioner of the Public Disclosure Commission, appointed by the Governor on December 31, 1973 for the term ending December 31, 1978, succeeding herself (reported by the Committee on Constitution and Elections):

Recommends that said appointment be confirmed.

Signed by: Senators Beck, Chairman; Grant, Lewis (R. H. "Bob"), Pullen, Stortini, Washington.

MESSAGE FROM THE GOVERNOR

Office of the Governor, March 31, 1975.

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

LADIES AND GENTLEMEN:

I have the honor to advise that on March 29, 1975, Governor Evans approved the following Senate Bill, entitled:

SENATE BILL NO. 2215: Changing mileage rate for members of county road administration boards and urban arterial boards.

Sincerely,
CHI-DOOH LI
Legal Counsel.

MESSAGE FROM THE HOUSE

March 28, 1975.

Mr. President: The House has passed:
ENGROSSED HOUSE BILL NO. 578,
HOUSE BILL NO. 627,
ENGROSSED HOUSE BILL NO. 665,
ENGROSSED HOUSE BILL NO. 675,
ENGROSSED HOUSE BILL NO. 802,
SUBSTITUTE HOUSE BILL NO. 970,
HOUSE JOINT MEMORIAL NO. 13, and the same are herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

INTRODUCTION AND FIRST READING

ENGROSSED HOUSE BILL NO. 578, by Representatives Bauer, Brown, Bender, Fortson, Clemente, McKibbin and Seeberger:

Adding restriction on the distribution of state aid to school districts on basis of ratio of pupils per classroom teacher.

Referred to Committee on Education.

HOUSE BILL NO. 627, by Representatives McKibbin, Whiteside and Savage:

Implementing law relating to certain student transfer within the common schools and state apportionment credit therefor.

Referred to Committee on Education.

ENGROSSED HOUSE BILL NO. 665, by Representatives Charette and Conner:

Permitting public auction of state material valued at \$10,000 or less.

Referred to Committee on State Government.

ENGROSSED HOUSE BILL NO. 675, by Representatives Shinpoch, Polk, Bagnariol, Flanagan and North:

Regulating the receipt of unanticipated funds.

Referred to Committee on Ways and Means.

ENGROSSED HOUSE BILL NO. 802, by Representatives Shinpoch, Polk, Thompson and Wojahn:

Providing uniformity in payment of travel expenses for most state officials and employees.

Referred to Committee on Ways and Means.

SUBSTITUTE HOUSE BILL NO. 970, by Committee on Ecology (originally sponsored by Representative Douthwaite):

Regulating water rights.

Referred to Committee on Ecology.

HOUSE JOINT MEMORIAL NO. 13, by Representatives Lysen, Gaines, Clemente and Valle:

Requesting the President and Congress terminate the airline mutual aid agreement.

Referred to Committee on Transportation and Utilities.

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 2026.

MOTION

At 11:13 a.m., on motion of Senator Mardesich, the Senate recessed until 12:00 noon.

NOON SESSION

The President called the Senate to order at 12:00 noon.

The President declared the Senate to be at ease.

AFTERNOON SESSION

The President called the Senate to order at 12:32 p.m.

MOTION

On motion of Senator Mardesich, the Senate resumed consideration of Senate Bill No. 2607, as amended.

SECOND READING

SENATE BILL NO. 2607, by Senators Walgren and Guess (by Department of Highways request):

Revising priorities for state highway improvements.

The Senate resumed consideration of Senate Bill No. 2607, as amended on Friday, March 28, 1975.

On motion of Senator Bottiger, the rules were suspended, Engrossed Senate Bill No. 2607 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Washington: "Would Senator Bottiger yield to a question? Senator Bottiger, referring to New Section 4 on page 4, starting on line 10 and specifically directing your attention to subparagraph (4) starting on line 29, then in reference to the items (a), (b), (c), (d), and (e); now it is my understanding from your statement that there is no priority of importance to be attributed to the fact that, for instance, relating to (a) 'its structural ability to carry loads imposed upon it', that that has no greater priority or importance than the other items following it as (b), (c), (d) and (e)."

Senator Bottiger: "Senator Washington, the committee specifically asked the Highway Department that question. Their representative testified that it did not. To make it ultimately clear, we adopted the amendment and this body has adopted the amendment on page 4, line 31 stating 'not necessarily in the order of importance.' A further amendment requires them to report to us any deviation from the priority array and it is at least my intent to recommend to the Joint Committee on Transportation that we closely monitor these things to see that that is in fact the case. I do not believe that safety should be ranked as low as it should even with that language in there, and the department has assured me that accident reports, fatal accident reports, weigh heavily in establishing the array and they are not ranked in order of importance."

Senator Washington: "Thank you very much."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2607, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—49.

ENGROSSED SENATE BILL NO. 2607, having received the 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 Mardesich, the Senate resumed consideration of Senate Bill No. 2403, as amended.

SECOND READING

SENATE BILL NO. 2403, by Senators Jones, Francis and Wanamaker:
Providing arrest procedures for specified traffic offenses.

The Senate resumed consideration of Senate Bill No. 2403. The committee amendments were adopted on Monday, March 24, 1975. On Friday, March 28, 1975 a Point of Order was raised by Senator Francis on an amendment proposed by Senators Grant,

Van Hollebeke and Jones. The bill was held on that day for a Ruling by the President on the Point of Order.

RULING BY THE PRESIDENT

The President: "The President, in ruling on the point of order as raised by Senator Francis, the President finds that Senate Bill No. 2403 is a measure permitting police officers to make arrests for certain offenses not committed in the officer's presence, and makes changes in the law with regard to negligent homicide and the laws with regard to drugs while operating a motor vehicle.

"The amendment proposed by Senators Grant, Van Hollebeke and Jones, however, permits the right of an individual to seek an occupational driving permit under certain circumstances, if the individual has lost his driving privilege because of a refusal to take a Breathalyzer test.

"The subject matter of the proposed amendment has passed this legislature previously and was vetoed by the Governor. The proposed amendment does increase the scope and object of the bill. The point of order, therefore, is well taken."

The amendment by Senators Grant, Van Hollebeke and Jones was ruled out of order.

On motion of Senator Jones, the following amendment was adopted:

On page 6, line 16, after "*drugs*" strike the comma and insert "*as provided in*".

There being no objection, the amendment by Senator Pullen to page 6, line 22 on the Secretary's desk, was withdrawn.

On motion of Senator Francis, the committee amendment to the title was adopted.

On motion of Senator Francis, the rules were suspended, Engrossed Senate Bill No. 2403 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. 2403, and the bill passed the Senate by the following vote: Yeas, 43; nays, 6.

Voting yea: Senators Bailey, Beck, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Donohue, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Rasmusen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Walgren, Wanamaker, Washington, Wilson, Woody—43.

Voting nay: Senators Benitz, Day, Fleming, Pullen, Van Hollebeke, von Reichbauer—6.

ENGROSSED SENATE BILL NO. 2403, having received the 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 Mardesich, the Senate commenced consideration of Substitute House Bill No. 208.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 208, by House Judiciary Committee (originally sponsored by Representatives Seeberger, McKibbin, Knowles, Smith (Rick), Becker, Sherman and Shinpoch):

Revising laws relating to rape.

REPORT OF STANDING COMMITTEE

March 26, 1975.

SUBSTITUTE HOUSE BILL NO. 208, revising laws relating to rape (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, beginning on line 3, strike all the matter down through "spouse." on line 7.

On page 2, line 29, strike the remainder of the material down through "offense." on page 3, line 1, and insert the following:

"(2) Evidence of the victim's past sexual behavior including but not limited to the victim's marital history, divorce history, or general reputation for promiscuity, non-chastity, or sexual mores contrary to community standards is inadmissible on the issue of credibility and is inadmissible to prove the victim's consent except as provided in subsection (3) of this section, but when the perpetrator and the victim have engaged in sexual intercourse with each other in the past, and when the past behavior is material to the issue of consent, evidence concerning the past behavior between the perpetrator and the victim may be admissible on the issue of consent to the offense.

(3) In any prosecution for the crime of rape or for an attempt to commit, or an assault with an intent to commit any such crime evidence of the victim's past sexual behavior including but not limited to the victim's marital behavior, divorce history, or general reputation for promiscuity, non-chastity, or sexual mores contrary to community standards is not admissible if offered to attack the credibility of the victim and is admissible on the issue of consent only pursuant to the following procedure:

(a) A written pre-trial motion shall be made by the defendant to the court and prosecutor stating that the defense has an offer of proof of the relevancy of evidence of the past sexual behavior of the victim proposed to be presented and its relevancy on the issue of the consent of the victim.

(b) The written motion shall be accompanied by an affidavit or affidavits in which the offer of proof shall be stated.

(c) If the court finds that the offer of proof is sufficient, the court shall order a hearing out of the presence of the jury, if any, and the hearing shall be closed except to the necessary witnesses, the defendant, counsel, and those who have a direct interest in the case or in the work of the court.

(d) At the conclusion of the hearing, if the court finds that the evidence proposed to be offered by the defendant regarding the past sexual behavior of the victim is relevant to the issue of the victim's consent; is not inadmissible because its probative value is substantially outweighed by the probability that its admission will create a substantial danger of undue prejudice; and that its exclusion would result in denial of substantial justice to the defendant; the court shall make an order stating what evidence may be introduced by the defendant, which order may include the nature of the questions to be permitted. The defendant may then offer evidence pursuant to the order of the court.

(4) Nothing in this section shall be construed to prohibit cross examination of the victim on the issue of past sexual behavior when the prosecution presents evidence in its case in chief tending to prove the nature of the victim's past sexual behavior, but the court may require a hearing pursuant to subsection (3) of this section concerning such evidence."

Signed by: Senators Francis, Chairman; Buffington, Clarke, Jones, Marsh, Scott.

The bill was read the second time by sections.

On motion of Senator Francis, the committee amendments to page 2, beginning on line 3 and page 2, line 29 were considered and moved for adoption simultaneously.

Debate ensued.

POINT OF INQUIRY

Senator Van Hollebeke: "Would Senator Francis yield? Senator, several times you referred to protection to the prosecutrix on referring to or questioning her on her past sexual mores. I cannot find the bill here quickly. She is also protected against present sexual habits. Is that correct?"

Senator Francis: "There is nothing that I see in the bill about that, no. We are talking about past sexual times — marital history, divorce history, and so forth. We are not talking about present sexual habits and rather than say 'prosecutrix' or 'the woman' I would refer to maybe the rapee, but this is designed to protect men as well as women

from rape and I am sure you were there during the hearings and you know of testimony regarding several instances of rape of males.”

Senator Van Hollebeke: “But ‘past’ in this case would refer to anything happening prior to the alleged crime, past sexual conduct?”

Senator Francis: “I think that is what it would have to mean.”

MOTIONS

On motion of Senator Mardesich, Substitute House Bill No. 208, together with the committee amendments, was ordered held subject to a Call from the Floor.

On motion of Senator Mardesich, the Senate returned to the fourth order of business to resume consideration of the following House Message held from March 27, 1975.

MESSAGE FROM THE HOUSE

March 26, 1975.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2268, with the following amendment:

On page 1, beginning on line 8 strike all material down to and including “*finance committee*;” on line 20 and insert the following:

“Whenever there is in any fund or in cash balances in the state treasury more than sufficient to meet the current expenditures properly payable therefrom, the state finance committee, or upon authorization from the state finance committee then the state treasurer, may invest or reinvest such portion of such funds or balances as the state treasurer deems expedient in the following defined securities or classes of investments: *PROVIDED, That the state treasurer shall provide a monthly report of such investments and reinvestments to the state finance committee.*”, and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

MOTION

On motion of Senator Mardesich, the Senate concurred in the House amendment to Engrossed Senate Bill No. 2268.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2268, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 48; nays, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. “Bob”), Mardesich, Marsh, Matson, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—48.

Voting nay: Senator McDermott—1.

ENGROSSED SENATE BILL NO. 2268, 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.

MESSAGE FROM THE HOUSE

March 18, 1975.

Mr. President: The House refuses to recede from House amendments to SENATE BILL NO. 2079 and once again asks the Senate to concur in House amendments, and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

MOTION

On motion of Senator Mardesich, the Senate adhered to its position and refused to concur in the House amendments to Senate Bill No. 2079, and asks the House to recede therefrom.

MOTION

On motion of Senator Mardesich, the Senate resumed consideration of Substitute House Bill No. 208.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 208, by House Judiciary Committee (originally sponsored by Representatives Seeberger, McKibbin, Knowles, Smith (Rick), Becker, Sherman and Shinpoch):

Revising laws relating to rape.

The Senate resumed consideration of Substitute House Bill No. 208. The committee amendments were moved for adoption earlier today by Senator Francis.

The motion by Senator Francis carried and the committee amendments were adopted simultaneously.

POINT OF INQUIRY

Senator Rasmussen: "Will Senator Francis yield to a question? Senator Francis, in Section 7, that still remains in the bill that is on page 4?"

Senator Francis: "Yes."

Senator Rasmussen: "And that Section 7, subparagraph (1), a person over thirteen years of age is guilty of statutory rape in the first degree when a person engages in sexual intercourse with another person who is less than eleven years old. That is quite a severe penalty, Senator, for a thirteen year old who probably does not know how to read the law or have the law explained to him. What would be the reason for having that severe penalty in this bill?"

Senator Francis: "Senator Rasmussen, I do not want to get into it too much because I am not necessarily for having such a low age for the perpetrator, but the idea behind it and behind the advocates of that is that statutory rape, which is now in our law as carnal knowledge, is something quite different from rape and the idea is that it is a matter of taking advantage of one person by another person of superior intelligence, of greater experience, and so forth, so you have here someone who is ten years of age or under, who in almost every case will not yet have reached puberty; and the idea is that they are being taken advantage of by someone thirteen years of age or over, which is someone who has reached puberty and who is at least three years older than the victim. Now in the other sections I have no problem with it. I do think that is an improvement over saying anyone who has sexual relations with someone under ten, which is the way that it originally came to us, would be guilty, because that could mean that a fellow ten years old who is engaged in sexual experimentation with them would be guilty of rape and of course it would be handled in juvenile court, just as this would be. I should add there that that includes everybody over the age of thirteen, including twenty-one and twenty-five year olds and on up and that, of course, anyone under age eighteen will be dealt with in a different way than being charged with the felony. They would be taken down to juvenile court."

Senator Rasmussen: "I note over on page 5, Senator Francis, a person over sixteen years of age is guilty of statutory rape in the second degree. Now you are taking a person who is sixteen years of age and they would be guilty of statutory rape in the second degree where the person thirteen years of age would be guilty of statutory rape in the first degree and there is . . ."

Senator Francis: "Read the rest of that, Senator Rasmussen. The point there again is that it is the age of the victim that is the most important and they are between the ages of eleven and fourteen there is the age of the victim. And then for third degree it is someone who is over fourteen but less than sixteen. So the age of the victim is the most

important. The only reason the age of the perpetrator is in there is to make it clear that the perpetrator, in order to be guilty, has to be sufficiently older than the victim that there is some advantage-taking involved. And that was the reasoning behind what the House did with the bill in that area. We have not proposed to change it because it represents a substantial improvement over our present law where you do not have to even be older than your victim to be guilty."

Senator Rasmussen: "Thank you, Senator Francis."

Senator Rasmussen moved adoption of the following amendment:

On page 4, line 27, strike "thirteen" and insert "sixteen".

Further debate ensued.

The motion by Senator Rasmussen failed and the amendment was not adopted.

Senator Gould moved adoption of the following amendment by Senators Gould and Cunningham:

On page 5, line 14, strike "sixteen" and insert "eighteen".

The motion by Senator Gould failed and the amendment was not adopted on a rising vote.

Senator Pullen moved adoption of the following amendment:

On page 3, line 33 strike the period and insert: ": 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 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."

MOTIONS

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

At 1:25 p.m., on motion of Senator Mardesich, the Senate adjourned until 10:15 a.m., Tuesday, April 1, 1975.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

NINETEENTH DAY**MORNING SESSION**

Senate Chamber, Olympia, Tuesday, April 1, 1975.

The Senate was called to order at 10:15 a.m., by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senator Harry Lewis.

The Color Guard, consisting of Pages Sheryl Jones and Randy Dennis, presented the Colors. Reverend Glen D. Cole, pastor of Evergreen Christian Center of Olympia, offered the following prayer:

"WE TAKE TIME THIS MORNING, HEAVENLY FATHER, TO ASK YOUR BLESSING UPON THE WORK AND ACTIVITIES OF THE SENATE. YOU HAVE HELPED IN THE PAST; YOU WILL HELP AGAIN TODAY. WE WOULD ALSO DO WHAT THE GREAT PSALMIST SUGGESTED CENTURIES AGO:

'BLESS THE LORD, O MY SOUL, AND FORGET NOT ALL HIS BENEFITS.'

"YOUR BENEFITS TOWARD US ARE MANY; THIS GREAT NATION OF OURS; THE FREEDOM OF SPEECH, OF WORSHIP, AND OF LIFE ITSELF; THE BLESSINGS OF HEALTH, OF FAMILY, AND OF FRIENDS; THE JOY OF INVOLVEMENT. YOU HAVE NOT MADE US TO SIT IDLE, LORD. THANK YOU FOR A WORTHY CAUSE TO DEVOTE OURSELVES TO. NOW MAKE US AS USEFUL AS YOU CAN, LORD. GIVE US A POSITIVE ATTITUDE AND POSITIVE RESULTS THIS DAY. HELP US TO RELY UPON YOU, NOT OURSELVES, FOR THE WISDOM NEEDED TO CARRY OUT EACH RESPONSIBILITY. IN OUR SAVIOUR'S NAME WE PRAY. AMEN."

MOTION

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

REPORTS OF STANDING COMMITTEES

April 1, 1975.

SENATE BILL NO. 2211, authorizing certain types of motor vehicle lighting (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: That Substitute Bill No. 2211 be substituted therefor and the substitute bill do pass.

Signed by: Senators Walgren, Chairman; Beck, Bottiger, Guess, Jolly, Knoblauch, Morrison, Peterson, Sellar, Wanamaker.

Passed to Committee on Rules for second reading.

April 1, 1975.

SENATE BILL NO. 2499, making changes in the laws relating to commercial food fish and shellfish licenses (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass.

Signed by: Senators Peterson, Chairman; Beck, Bluechel, Grant, Lewis (Harry), Pullen, Sandison, Talley.

Passed to Committee on Rules for second reading.

March 31, 1975.

SENATE BILL NO. 2618, relating to public contracts (reported by Committee on State Government):

Recommendation: That Substitute Senate Bill No. 2618 be substituted therefor and the substitute bill do pass.

Signed by: Senators Rasmussen, Chairman; Buffington, Cunningham, Day, Henry, Knoblauch, Wanamaker.

Passed to Committee on Rules for second reading.

March 24, 1975.

SENATE BILL NO. 2628, enacting new law relating to regulation of post secondary proprietary schools and their agents (reported by Committee on Higher Education):

Recommendation: That Substitute Senate Bill No. 2628 be substituted therefor and the substitute bill do pass and be referred to the Committee on Ways and Means.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Guess, Odegaard, Scott.

Referred to Committee on Ways and Means.

MESSAGE FROM THE GOVERNOR

Office of the Governor, April 1, 1975.

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

LADIES AND GENTLEMEN:

I have the honor to advise that on March 31, 1975, Governor Evans approved the following Senate Bills, entitled:

SENATE BILL NO. 2167: Repealing the fair trade act.

SENATE BILL NO. 2205: Permitting service of traffic citations for offenses not witnessed by citing officer.

Sincerely,
CHI-DOOH LI
Legal Counsel.

MESSAGES FROM THE HOUSE

March 31, 1975.

Mr. President: The House has passed:

ENGROSSED HOUSE BILL NO. 139,

SUBSTITUTE HOUSE BILL NO. 211,

SUBSTITUTE HOUSE BILL NO. 246,

HOUSE BILL NO. 324,

SUBSTITUTE HOUSE BILL NO. 342,

ENGROSSED HOUSE BILL NO. 344,

ENGROSSED HOUSE BILL NO. 437, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

March 31, 1975.

Mr. President: The Speaker has signed SENATE JOINT MEMORIAL NO. 108, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 2268.

INTRODUCTION AND FIRST READING

ENGROSSED HOUSE BILL NO. 139, by Representatives Martinis, Bausch, Clemente, Kilbury, Matthews, Schumaker, Hurley (George), Moreau, Hansey, Whiteside and Bond:

Regulating the sales of valuable material from public lands.

Referred to Committee on Natural Resources.

SUBSTITUTE HOUSE BILL NO. 211, by Committee on Commerce (originally sponsored by Representatives Amen, Conner, Curtis, Knowles, Zimmerman, May, Becker, Boldt, Kilbury, Laughlin and Whiteside):

Entitling retail implement or car dealer to recover price of articles upon discontinuance of contract by wholesaler or retail dealer.

Referred to Committee on Commerce.

SUBSTITUTE HOUSE BILL NO. 246, by Judiciary Committee (originally sponsored by Representatives Thompson, Hayner, Adams, Eikenberry, Erickson, Curtis, Haley and Bond):

Requiring plaintiff in medical malpractice action to prove defendant failed to exercise standard of care of profession.

MOTION

Senator Day moved that Substitute House Bill No. 246 be referred to the Committee on Social and Health Services.

Debate ensued.

POINT OF INQUIRY

Senator Odegaard: "Would Senator Francis yield? It might be of some help to us to know which committee this bill is referred to in the House. Do you happen to know?"

Senator Francis: "It came from the Judiciary Committee and is a bill which was a substitute bill prepared by the House Judiciary Committee."

Further debate ensued.

Senator Day demanded a roll call and the demand was sustained by Senators McDermott, von Reichbauer, Guess, Newschwander, Matson, Wilson, Cunningham, Goltz and North.

The President declared the question before the Senate to be the motion by Senator Day that Substitute House Bill No. 246 be referred to the Committee on Social and Health Services.

ROLL CALL

The Secretary called the roll and the motion by Senator Day failed by the following vote: Yeas, 24; nays, 24; absent or not voting, 1; President Cherberg voted no.

Voting yea: Senators Benitz, Bluechel, Buffington, Cunningham, Goltz, Gould, Grant, Guess, Keefe, Knoblauch, Lewis (R. H. "Bob"), McDermott, Murray, Newschwander, North, Peterson, Pullen, Sandison, Sellar, Talley, von Reichbauer, Wanamaker, Wilson—24.

Voting nay: Senators Bailey, Beck, Bottiger, Clarke, Donohue, Fleming, Francis, Henry, Herr, Jolly, Jones, Mardesich, Marsh, Matson, Morrison, Odegaard, Rasmussen, Ridder, Scott, Stortini, Van Hollebeke, Walgren, Washington, Woody—24.

Absent or not voting: Senator Lewis (Harry)—1.

President Cherberg voted no.

Substitute House Bill No. 246 was referred to the Judiciary Committee.

INTRODUCTION AND FIRST READING

HOUSE BILL NO. 324, by Representatives Randall, Martinis, Ceccarelli, Chatalas, Paris, Kuehnle and Nelson:

Exempting cargo containers from property taxation.
Referred to Committee on Ways and Means.

SUBSTITUTE HOUSE BILL NO. 342, by Committee on Labor (originally sponsored by Representatives Savage, North and Gilleland) (by Department of Labor and Industries request):

Revising laws relating to boiler inspections.
Referred to Committee on Labor.

ENGROSSED HOUSE BILL NO. 344, by Representatives Savage, Thompson and North (by Department of Labor and Industries request):

Prescribing changes in industrial insurance procedures.
Referred to Committee on Labor.

ENGROSSED HOUSE BILL NO. 437, by Representatives Charnley, Patterson, Newhouse and Douthwaite (by Department of Highways request):

Specifying types of signs permissible which are visible from highways.
Referred to Committee on Transportation and Utilities.

MOTIONS

On motion of Senator Rasmussen, the Committee on State Government was relieved from further consideration of the following bills: Senate Bill No. 2687, Senate Bill No. 2694, Senate Bill No. 2700, Senate Bill No. 2701, Senate Bill No. 2898, Senate Joint Resolution No. 116 and Senate Joint Resolution No. 127.

On motion of Senator Rasmussen, the above bills and resolutions were referred to the Committee on Ways and Means.

APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence in the Senate Chamber of the Bellevue High School Girls' basketball team; the Cleveland High School Eagles, Class AA basketball champions from Seattle, and the Lincoln High School AAA basketball 1975 champions from Tacoma, and asked Senator Jones to escort the Bellevue team to the Senate rostrum; Senator Ridder to escort the Cleveland team to the Senate Rostrum, and Senator Stortini to escort the Lincoln team to the Senate rostrum.

MOTION

Senator Jones moved adoption of the following resolution:

SENATE RESOLUTION 1975-23

By Senators Jones and Clarke:

WHEREAS, The Bellevue High School Girls' basketball team has finished a remarkable, undefeated season with a 21 and 0 record and captured the Girls' State Basketball Championship this year; and

WHEREAS, Bellevue won the King County Championship, the West Central District Championship, and the Regional Championship; and

WHEREAS, The team consisting of Kathy Van Pelt, Caryl Van Pelt, Beth Boyland, Barb Boyland, Nancy Wittman, Monica Watchie, Patti Cox, Debbie Gallert, Sue Lindberg, Marilyn Ponten, and Mary Tang exemplified outstanding ability, sportswomanship and spirit and is a credit to the school, members of the community and the state of Washington;

NOW, THEREFORE, BE IT RESOLVED. That the Washington State Senate extends its congratulations to Coach Gisele Zahradnitzki and to each member of this outstanding team.

BE IT FURTHER RESOLVED, That a copy of this resolution be transmitted by the Secretary of the Senate to Coach Zahradnitzki and each member of the team.

With permission of the Senate, business was suspended to permit Coach Gisele Zahradnitzki to address the Senate and to present the team.

The motion by Senator Jones carried and the resolution was unanimously adopted.

MOTION

Senator Ridder moved adoption of the following resolution:

SENATE RESOLUTION 1975-24

By Senators Ridder and Fleming:

WHEREAS, The Cleveland High School Eagles of Seattle have captured the Class AA basketball championship; and

WHEREAS, Coach Fred Harrison and his team had a fantastic 28 and 0 record for the seson; and

WHEREAS, The efforts of assistant coach Marv Morris and manager Randy Furu-kawa should not pass unnoticed;

NOW, THEREFORE, BE IT RESOLVED, By the Washington State Senate, that Coach Harrison, the members of this outstanding team, and the coach's assistants are all highly commended for their noteworthy achievements.

BE IT FURTHER RESOLVED, That the Secretary of the Senate shall send copies of this resolution to Coach Harrison, to each member of the team and to the assistants.

With permission of the Senate, business was suspended to permit Coach Fred Harrison to introduce the Cleveland team.

The motion by Senator Ridder carried and the resolution was unanimously adopted.

MOTION

Senator Stortini moved adoption of the following resolution:

SENATE RESOLUTION 1975-25

By Senators Stortini, Bottiger, Rasmussen, Beck, Newschwander and Knoblauch:

WHEREAS, Organized athletics within our high schools have given many students an opportunity to learn and to understand the meaning of sportsmanship and competi-tion; and

WHEREAS, Basketball has become one of the most popular participant and spec-tator sports among the people of this state; and

WHEREAS, Each yer during the month of March tens of thousands of our people can be found in attendance at high school basketball tournaments; and

WHEREAS, The "ABES" of Lincoln high school in Tacoma are the 1975 cham-pions of the AAA basketball tournament; and

WHEREAS, This championship is symbolic of a quest for excellence which had already taken the Abes to second, third, and fourth place finishes in previous state tour-naments and nine Tacoma city championships; and

WHEREAS, Such record gives a strong indication of the high degree of team pride and unity which has carried the Abes to their present lofty position; and

WHEREAS, The ability of coach Ronald Billings is best illustrated by his ten-year record of 167 wis against 60 losses; and

WHEREAS, Coach Billings has instilled leadership, knowledge, and dedication into his players to such a degree that many of his players have achieved great success not only in high school, but in the colleges and universities of our land as well;

NOW, THEREFORE, BE IT RESOLVED, By the Senate, that it does congratu-late the Abes, their coach, their principal, and their fellow students of Lincoln High on their recent championship performance and says that the team deserves praise for a "job, well done!"

BE IT FURTHER RESOLVED, That the Secretary of the Senate transmit a copy

of this resolution to Mr. Willie Stewart, Principal of Lincoln High School, Mr. Ronald Billings, Coach of the Abes, and to each member of the team which is 1975 AAA State High School Basketball Champion.

There being no objection, business was suspended to permit Coach Ronald Billings to introduce the Lincoln High School team.

The motion by Senator Stortini carried and the resolution was unanimously adopted.

MOTION

On motion of Senator Sellar, the following resolutions were unanimously adopted:

SENATE RESOLUTION 1975-27

By Senators Sellar, Wilson, Jolly and Washington:

WHEREAS, The Brewster High School basketball team has finished a remarkable, undefeated season with a 27 and 0 record and captured the Class B State Championship this year; and

WHEREAS, Brewster has been in the State Playoffs seven of the last nine years and finished third in last year's championship; and

WHEREAS, Three of the starting five; Mark Gebbers, Dale Smith and Roger Boesel were named to All State honors and four of these starters were sophomores;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate extends its congratulations to Coach Dick Olson and to each member of this outstanding team.

BE IT FURTHER RESOLVED, That a copy of this resolution be transmitted by the Secretary of the Senate to Coach Olson and to each member of the team.

SENATE RESOLUTION 1975-28

By Senators Sellar, Wilson and Washington:

WHEREAS, Cashmere High School has once again won the State A Championship in basketball, gaining this distinction which they had achieved also in 1972; and

WHEREAS, Cashmere's team now has the enviable record of being in the State A Playoffs in four of the last five years and in the finals, three of the last five years; and

WHEREAS, Their Coach, Bill Kelly, led the four seniors, three juniors, and five sophomores to victory in their last 19 games for a season record of 21 and 4;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate extends its congratulations to Coach Kelly and to each member of this outstanding team; and

BE IT FURTHER RESOLVED, That a copy of this resolution be transmitted by the Secretary of the Senate to Coach Kelly and to each member of the team.

The honored guests were escorted from the Senate Chamber.

MOTION FOR RECONSIDERATION

Senator Matson moved that the Senate reconsider the vote by which Substitute House Bill No. 246 was referred to the Judiciary Committee.

Debate ensued.

The motion by Senator Matson carried.

POINT OF ORDER

Senator Woody: "I believe that we have conducted business in between the time that the ruling was made by the President and the time that the motion for reconsideration was made. Therefore, the motion is not timely."

RULING BY THE PRESIDENT

The President: "The President, in ruling upon the point as presented by Senator Woody, finds that a motion to reconsider is in order at any time on the proper order of business during this particular day."

MOTION

Senator Day moved that the motion for reconsideration be held under the eighth order of business for Wednesday, April 2, 1975.

Debate ensued.

The motion by Senator Day failed.

The President declared the question before the Senate to be the motion by Senator Day that Substitute House Bill No. 246 be referred to the Committee on Social and Health Services.

POINT OF INQUIRY

Senator Woody: "Mr. President, would Senator Francis yield? Would you read the title?"

Senator Francis: "It says, 'An act relating to civil procedure and adding a new section to Chapter 4.24 RCW.'"

Senator Woody: "Thank you. It is my recollection, Senator Francis, and I could stand corrected, that the Supreme Court has ruled on our comparative negligence statute that when the title contains the word 'procedure' it has a retroactive effect. Retroactive. That means that if that were to pass in its present form, unless the Judiciary Committee were to change the title, all current injuries that have occurred going back many, many years would be subject to the retroactive effect of that act."

The motion by Senator Day carried on a rising vote. Substitute House Bill No. 246 was referred to the Committee on Social and Health Services.

MOTION

At 11:25 a.m., on motion of Senator Mardesich, the Senate recessed until 12:00 noon.

NOON SESSION

The President called the Senate to order at 12:00 noon.

The President declared the Senate to be at ease.

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

MOTIN

At 12:15 p.m., on motion of Senator Mardesich, the Senate recessed until 1:00 p.m.

AFTERNOON SESSION

The President called the Senate to order at 1:00 p.m.

Senators Mardesich, Rasmussen and Day 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 Mardesich, the Senate proceeded under the Call of the Senate.

MOTION

On motion of Senator Walgren, the Senate resumed consideration of Substitute House Bill No. 208.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 208, by House Judiciary Committee (originally sponsored by Representatives Seeberger, McKibbin, Knowles, Smith (Rick), Becker, Sherman and Shinpoch):

Revising laws relating to rape.

The Senate resumed consideration of Substitute House Bill No. 208.

On Monday, March 31, 1975, Senator Pullen moved adoption of the following amendment:

On page 3, line 33, after "facility" and before the period insert ": 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 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".

The motion by Senator Pullen carried and the amendment was adopted.

On motion of Senator Francis, the rules were suspended, Substitute House Bill No. 208, 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. 208, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—49.

SUBSTITUTE HOUSE BILL NO. 208, 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 Mardesich, the Senate commenced consideration of Senate Bill No. 2765.

SECOND READING

SENATE BILL NO. 2765, by Senator Mardesich:

Relating to public pensions.

MOTIONS

On motion of Senator Mardesich, Substitute Senate Bill No. 2765 was substituted for Senate Bill No. 2765, and the substitute bill was placed on second reading and read the second time in full.

Senator Bailey moved adoption of the following amendment:

Beginning on page 1, line 29, strike all of the material down to and including the period on page 2, line 5.

Debate ensued.

POINT OF INQUIRY

Senator Odegaard: "Would Senator Clarke yield? Senator Clarke, would you consider in this bill for the future employees who would come under this new system, would you consider their benefits a deferred compensation, and if so, even though the wording is in the bill that adjustments could be made downward, could you predict what the

court might say to that? Whether it would be constitutional or not for us to adjust benefits downward?"

Senator Clarke: "All I can give you, of course, is my own personal opinion, and I think that if you make a contract which says that you have the right to adjust either upward or downward and the employee comes to work with the knowledge of that reserved right, that it is constitutional for the state or for any employer to reserve that particular right. In other words, the reason, as I understand it, that the Supreme Court as to the present system said that there could be no revision downward, because there was a contract to pay a specified amount. This bill does not contract to pay a specified amount, but specifically reserves the right to adjust."

Debate ensued.

Senator Woody: "In further answer, Senator Odegaard, to your question, the Supreme Court case that initially advanced this theory, this contract theory, said that we could not adversely affect future benefits with one exception. That exception in the case says that if the fiscal integrity of the system necessitated it, then we could. The problem that we are faced with, of course, is proving that. It would be a problem of proof in court, but assuming you can prove that the fiscal integrity of the system necessitated it, then the Supreme Court said notwithstanding the contract theory you could adversely affect the benefits of existing employees."

Further debate ensued.

Senator Bailey demanded a roll call and the demand was sustained by Senators McDermott, Rasmussen, Stortini, Knoblauch, Fleming, Goltz, Wilson, Odegaard and Grant.

The President declared the question before the Senate to be the roll call on the amendment by Senator Bailey.

ROLL CALL

The Secretary called the roll and the amendment by Senator Bailey was not adopted by the following vote: Yeas, 22; nays, 27.

Voting yea: Senators Bailey, Beck, Bottiger, Fleming, Francis, Goltz, Grant, Keefe, Knoblauch, McDermott, Murray, Newschwander, Odegaard, Pullen, Rasmussen, Ridder, Stortini, Talley, von Reichbauer, Walgren, Washington, Wilson—22.

Voting nay: Senators Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Donohue, Gould, Guess, Henry, Herr, Jolly, Jones, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Morrison, North, Peterson, Sandison, Scott, Sellar, Van Hollebeke, Wanamaker, Woody—27.

Senator Rasmussen moved adoption of the following amendment:

On page 10, line 11, after "retirement" and before the period insert ": PROVIDED, That an eligible member of Group II shall be entitled to 2.4 percent of final average salary for each year of service credit".

Debate ensued.

The motion by Senator Rasmussen failed and the amendment was not adopted.

Senator Francis moved adoption of the following amendment:

On page 10, section 10, line 16 beginning with "(3) If" strike the whole of subsection (3).

Debate ensued.

The motion by Senator Francis failed and the amendment was not adopted.

Senator Murray moved adoption of the following amendment:

On page 11, line 4 after "one" and before "percent" insert "half of one".

Debate ensued.

The motion by Senator Murray failed and the amendment was not adopted.

Senator Rasmussen moved that the following amendments be considered and adopted simultaneously:

On page 13, line 33, after "a" and before "member" insert "Group I".

On page 13, line 34, after "fifty-five" and before "dies" insert "or a Group II member with at least ten years service".

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Would Senator Scott yield to a question? Senator Scott, you mentioned that this would entail a considerable cost. Do you have figures on that?"

Senator Scott: "I honestly do not, Senator, because we have not seen your amendment until we came out on the floor this afternoon, but I refer you to the costs that have resulted from comparable benefits in the LEFF system that have pushed up the unfunded liability of that system in excess of two hundred and fifty percent in the last four years."

Senator Rasmussen: "I would say, Senator Scott, that you probably are reaching there, that you have no figures to back you up, but I would call the body's attention and also Senator Woody, if he would read Section 14. 'Nonservice Connected Death Benefit. If a member with at least ten years service credit dies as a result of an injury or disease for which industrial insurance compensation is not payable, a lump sum of ten thousand dollars shall be paid to the member's surviving spouse and/or minor children.' Now the amendment in subsection (2) would go on to read and it requires, 'If a Group I member with at least ten years service credit who has obtained age of fifty-five or a Group II member with at least ten years of service dies as a result of injury or disease for which industrial insurance compensation is not payable, the member's surviving spouse and/or minor children may elect and this is all this is doing. It actually would probably save money. And it goes on to read on the next page, 'may elect to receive the joint and survivors allowance computed pursuant to the provisions of section 15 (2)(b) of this 1975 amendatory act.' I do not see any cost figure in there at all of increasing the cost. You are just extending the benefits to a person who is not covered with industrial insurance that they would get under industrial insurance. I urge your support for the amendment."

The motion by Senator Rasmussen failed and the amendments were not adopted.

Senator Grant moved that the following amendments be considered and adopted simultaneously:

On page 14, line 34, after "(1)" and before "The" insert "(a)".

On page 14, line 35, after "member," and before "at" insert "if a Group I member".

On page 15, line 1, after "injury" delete the period and insert "; (b) for a Group II member, the disability allowance shall cease when it is determined that the member has sufficiently recovered to perform the duties of the position or rank from which he was retired. At such time he shall be returned to duty in the same civil service rank, if any, he held at the time of retirement, or, at his request in such other like or lesser rank as may be or become open and available. In no event shall a Group II member be restored to duty at a salary or rate of pay less than the current salary attached to the rank or position he held at the time of his retirement for disability."

On page 15, line 2 beginning with "(2)" strike the whole of subsection (2), and renumber the remaining section.

Debate ensued.

The motion by Senator Grant failed and the amendments were not adopted.

Senator Scott moved that the following amendments by Senators Marsh and Scott be considered and adopted simultaneously:

On page 18, beginning on line 29, strike all material beginning with "one-half" down through the period on page 20, line 1.

On page 20, beginning on line 31, strike all material beginning with "One-fourth" down through the period on page 21, line 12.

PARLIAMENTARY INQUIRY

Senator Murray: "I have two amendments which affect the same section and treat the same subject matter. If we proceed with the amendments before us, would mine still be available for consideration?"

REPLY BY THE PRESIDENT

The President: "The President believes that your amendments would be in order, Senator Murray."

Debate ensued.

The motion by Senator Scott carried and the amendments were adopted.

Senator Murray moved adoption of the following amendment:

On line 23 strike all material through line 5, page 20 and insert: "An employer of a Group I member shall contribute an amount equal to 3 percent of the salary of each such member to the Washington State Retirement System for the current costs of such system; and in addition, the state shall contribute for appropriate members an amount equal to 4.27 percent of salary to the Teachers Retirement System, 18.59 percent to the Judges Retirement System, and 3 percent to the Public Employees Retirement System, the Seattle Retirement System, the Tacoma Retirement System and the Spokane Retirement System."

Debate ensued.

POINT OF INQUIRY

Senator Scott: "Would Senator Murray yield? In reference to PERS here, you mention a three percent in addition to go to unfunded liability. How is it then that, if my understanding is correct, the PERS is currently paying in one point seven percent for that purpose and Mr. Bleakney is actuary for the system. Maybe that deserves some explaining, too."

Senator Murray: "I am glad you asked that question. The one objection that was stated, or one of the objections that was stated in the report from the company in New York was that we were using a rolling forty method of amortizing the PERS system, which means that really we are paying it off over about eighty years at one point seven percent. I left it at three percent to take care of that factor. The three percent will put us approximately on a forty year payout rather than an eighty year payout, which was the recommendation that came from the New York firm."

Further debate ensued.

The motion by Senator Murray failed and the amendment was not adopted.

Senator Murray moved adoption of the following amendment:

On page 20, beginning on line 28 strike all material through line 24 on page 21 and insert: "An employer of a Group II member shall contribute an amount equal to 12 percent of salary to the Washington State Retirement System for the current costs of such system; and, in addition, there shall be paid from the General Fund of the state of Washington to the Law Enforcement Officers and Fire Fighters Retirement Fund an amount equal to 19.55 percent of salary and to the State Patrol Retirement System an amount equal to 6.60 percent of salary of appropriate personnel."

Debate ensued.

The motion by Senator Murray failed and the amendment was not adopted.

Senator Rasmussen moved adoption of the following amendment:

On page 23, beginning on line 4, strike all of sections 28 and 29 and substitute the following:

"NEW SECTION. Sec. 28.

(1) The retirement board shall consist of eleven members, as follows: The lieutenant governor, who shall be chairman, the insurance commissioner, the state treasurer, the superintendent of public instruction, two members appointed by the governor, one member who is an elected city or county official appointed by both the association of Washington cities and the Washington state association of counties, and four elected representatives who shall be members of the retirement system and each of whom shall be elected by active members in their classification for a term of three years.

(2) The active members of the system shall be divided into four classifications for purposes of board representation as follows: Classification A shall consist of all employees of state government; classification B shall consist of all group I employees of political subdivisions who are not active teachers; classification D shall consist of all employees who are active teachers; classification D shall consist of all group II em-

ployees. Each member shall have the right to vote only for an employee representative from his respective classification. The initial employee representatives to the board shall be elected by the members of the Washington state retirement system in an election to be held no earlier than April 15, 1976 and completed not later than July 15, 1976. Until such first election is held, the other members of the board shall be empowered to govern the system, however, four favorable votes shall be necessary before a decision of the board may become effective.

For each subsequent election, any active member desiring to become a candidate to represent active members in his classification may during the first two weeks of April of the year in which the vacancy in the classification occurs, file with the director of the system a typewritten statement that he desires to be a candidate for the board. The letter supporting his candidacy must be signed by at least twenty members of the retirement system in his classification. The election shall be conducted under the supervision of the retirement board pursuant to such rules as the board shall prescribe, but shall be so conducted that the voting shall be secret and the ballots may be returned by mail. Ballots in order to be counted shall be received by the director not later than the second Monday in June. The board shall thereupon proceed to count the ballots and shall declare elected the candidate receiving the highest number of votes. The terms of all elected representatives shall commence on the first day of July following their election.

(3) The governor shall appoint two members, only one of whom may be a member of the retirement system. These members shall serve a two-year term, except that the original term of one of the first appointees, as designated by the governor, shall be one year.

NEW SECTION. Sec. 29.

(1) Any vacancy occurring by reason of resignation, death or disability ninety days or more before the expiration of the term of any employee representative of the retirement board shall be filled by appointment by the other members of the retirement board. The person appointed shall be a member of the same classification as was the employee representative to whose position he is appointed. The employee representative thus appointed shall serve until the vacancy is filled by the election of a member of the same classification.

(2) Any vacancy occurring by reason of resignation, death, or disability of a member of the retirement board who was appointed by the governor shall be filled by appointment by the governor.

(3) Any employee representative or appointed member of the retirement board who fails to attend the scheduled meetings of the retirement board for three consecutive months or longer, without valid excuse, shall be considered as having resigned from board membership and the retirement board shall declare his office vacated as of the adoption of a proper resolution, and proceed to fill the vacancy as herein provided."

Renumber the remaining sections accordingly.

On motion of Senator Rasmussen, the following amendment to the amendment was adopted:

Amend the Rasmussen amendment to page 23, adding new sections 28 and 29 as follows:

On line 6 of subsection (2), after "classification" strike "D" and insert "C".

Debate ensued.

The motion by Senator Rasmussen failed and the amendment, as amended, was not adopted.

On motion of Senator Scott, the following amendment by Senators Marsh and Scott was adopted:

On page 31, following line 18, add a new subsection to Section 38 to read as follows:

"(4)(a) A portion of the employer's contribution required by Sec. 24(2)(a) in the amount of three percent of a member's monthly salary shall be paid into the account identified in this subsection, within the unfunded liability dissolution fund to be used for payment of the liabilities in excess of the assets of the retirement systems which are closed to new members pursuant to section 40 of this 1975 amendatory act.

(i) Such contributions by an employer for a member who, except for the provisions of section 40(1) of this 1975 amendatory act, would be eligible for membership in the system created pursuant to chapter 41.40 RCW, shall be paid into the public employees retirement account. When the unfunded liabilities of such system are fully funded, as determined by the board, such contributions shall cease.

(ii) Such contributions by an employer for a member who, except for the provisions of section 40(1) of this 1975 amendatory act would be eligible for membership in the system created pursuant to chapter 41.32 RCW, shall be paid into the teachers' retirement account. When the unfunded liabilities of such system are fully funded, as determined by the board, such contributions shall cease.

(iii) Such contributions by an employer for a member who, except for the provisions of section 40(1) of this 1975 amendatory act would be eligible for membership in the system created pursuant to chapter 2.10 RCW, shall be paid into the judicial account. When the unfunded liabilities of such system are fully funded, as determined by the board, such contributions shall cease.

(iv) Such contributions by an employer for a member who, except for the provisions of section 40(1) of this 1975 amendatory act, would be eligible for membership in the system created by the city of Seattle, shall be paid into the Seattle account. When the unfunded liabilities of such system which are assumed pursuant to section 38 of this 1975 amendatory act are fully funded, as determined by the board, such contributions shall cease.

(v) Such contributions by an employer for a member who, except for the provisions of section 40(1) of this 1975 amendatory act, would be eligible for membership in the system created by the city of Tacoma, shall be paid into the Tacoma account. When the unfunded liabilities of such system which are assumed pursuant to section 38 of this 1975 amendatory act are fully funded, as determined by the board, such contributions shall cease.

(vi) Such contributions by an employer for a member who, except for the provisions of section 40(1) of this 1975 amendatory act, would be eligible for membership in the system created by the city of Spokane, shall be paid into the Spokane account. When the unfunded liabilities of such system which are assumed pursuant to section 38 of this 1975 amendatory act are fully funded, as determined by the board, such contributions shall cease.

(b) A portion of the employer's contribution required by Sec. 25(2)(a) in the amount of three percent of a member's monthly salary shall be paid into the account, identified in this subsection, within the unfunded liability dissolution fund to be used for the payment of the liabilities in excess of the assets of the retirement systems which are closed to new members pursuant to section 40 of this 1975 amendatory act.

(i) Such contributions by an employer for a member who, except for the provisions of section 40(1) of this 1975 amendatory act, would be eligible for membership in the system created pursuant to chapter 41.26 RCW, shall be paid into the law enforcement officers and fire fighters account. When the unfunded liabilities of such system are fully funded, as determined by the board, such contributions shall cease.

(ii) Such contributions by an employer for a member who, except for the provisions of section 40(1) of this 1975 amendatory act, would be eligible for membership in the system created pursuant to RCW 43.43.120, shall be paid into the Washington state patrol account. When the unfunded liabilities of such system are fully funded, as determined by the board, such contributions shall cease.

Senator Rasmussen moved adoption of the following amendment:

On page 31, beginning on line 36, strike all the matter down through page 32, line 30, being subsections (2)(a)(i), (ii) and (2)(b) of section 40.

Debate ensued.

The motion by Senator Rasmussen failed and the amendment was not adopted.

On motion of Senator Marsh, the following amendment by Senators Marsh and Scott was adopted:

On page 34, line 5, after "*officers*" insert "*first*".

On motion of Senator Day, the following amendments were adopted:

* On page 34, line 6, after "Title" insert "51 RCW".

On page 34, line 8, after "title" and before the semicolon insert: "*PROVIDED, HOWEVER, That all employees in the employ of an employer prior to February 15, 1976, entitled to coverage for benefits or compensation under chapter 41.26 RCW who are entitled to benefits or compensation and who do not transfer to the system pursuant to section 27 shall continue to be entitled to coverage under the provisions of chapter 41.26 RCW on or after February 15, 1976*".

On motion of Senator Mardesich, the rules were suspended, Engrossed Substitute Senate Bill No. 2765 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: "Will Senator Odegaard yield to a question? Senator Odegaard, I have reviewed your page 18 on which you say and I will just read from it briefly, 'An employer of a Group I member shall contribute an amount equal to six percent of such member's monthly salary. For certificated employees of local school districts the state shall contribute an amount equal to six percent of such member's salary which shall be paid to the superintendent of public instruction for distribution to the local school districts.' Now, Senator, do you think that that answers the problem?"

Senator Odegaard: "Senator Rasmussen, from my questions on this, from work with the staff and members of the Select Committee, they assured me that it did."

Senator Rasmussen: "Senator Odegaard, I would like to point out, I have in my hand here all the pension systems and the current pension system requests. This is from PERS, Teachers, LEFF, and so forth. For the teachers the request is one hundred and forty-five million dollars. The Governor's request is one hundred and one million dollars. So there is some forty-four million dollars difference in what the Governor is requesting in order to adequately fund the present Teachers. Now when the legislature makes the appropriation to the schools, to the school superintendent for distribution to the local school districts, this amount of pension money will also be included in, presumably, the pupil allocation. So the total in millions of dollars will be X number of millions of dollars. We have not adequately funded our schools at the present time. How are we going to put this extra money in and be allocated to the local districts and be sure that it is going to come back into the pension fund when the Governor at the present time is not requesting enough? That has been the problem all along, that we have not put the millions of dollars needed to keep our systems sound except for the PERS."

Senator Odegaard: "Senator Rasmussen, you brought up or mentioned that it would be given, I believe that is what you meant, the per pupil guarantee and this is a concern of mine too that this might not be done, because if it did it might mean that districts with the higher valuation, because of the way the guarantee works, would receive lesser funds to pay the employer contribution for the certificated employees. And what it means, it would be given to the SPI for distribution to the local school districts but outside the guarantee level, so that all the costs would be paid but not as pertaining to the per pupil support. So I do not see particularly any reason or any problems and the classified employees costs are picked up by the local school districts now. Maybe that is the difference in your figures, and they would continue to be picked up by the local school districts."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2765, and the bill passed the Senate by the following vote: Yeas: 27; nays: 22.

Voting yea: Senators Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Donohue, Goltz, Gould, Guess, Henry, Herr, Jolly, Jones, Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Morrison, North, Odegaard, Sandison, Scott, Sellar, Van Hollebeke, Washington, Woody—27.

Voting nay: Senators Bailey, Beck, Bottiger, Fleming, Francis, Grant, Keefe, Knoblauch, Lewis (Harry), McDermott, Murray, Newschwander, Peterson, Pullen.

Rasmussen, Ridder, Stortini, Talley, von Reichbauer, Walgren, Wanamaker, Wilson—
27.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2765, having received the 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 Mardesich, Engrossed Substitute Senate Bill No. 2765 was ordered immediately transmitted to the House.

MOTIONS

On motion of Senator Mardesich, Senate Bill No. 2198 was re-referred to the Committee on Rules.

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

On motion of Senator Mardesich, the Senate dispensed with the Call of the Senate.

At 4:16 p.m., on motion of Senator Mardesich, the Senate adjourned until 10:15 a.m., Wednesday, April 2, 1975.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

TWENTIETH DAY**MORNING SESSION**

Senate Chamber, Olympia, Wednesday, April 2, 1975.

The Senate was called to order at 10:15 a.m. by President Pro Tempore Henry. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present.

The Color Guard, consisting of Pages Tracey Walgren and Tim Gibbons, presented the Colors. Reverend Glen D. Cole, pastor of Evergreen Christian Center of Olympia, offered the following prayer:

"HEAVENLY FATHER, HOW THANKFUL WE ARE THIS MORNING THAT YOU ARE ALWAYS AVAILABLE TO THOSE WHO BELIEVE, WHO TURN TO YOU FOR HELP AND WHO WITH FAITH PLACE THEIR AFFAIRS, YES, EVEN THEIR LIVES, INTO YOUR HANDS. WE TAKE HOPE FROM THE FACT THAT WE ARE NOT ALONE. YOU CARE FOR US. YOU CARE FOR OUR WORLD. YOU LOVE US AND ARE INTERESTED IN THE SMALLEST DETAIL OF OUR LIVES. LOOK UPON US IN FAVOR AND IN BLESSING AGAIN TODAY. POUR INTO US YOUR DIVINE LOVE AND ENERGY. HELP US TO FACE EVERY RESPONSIBILITY WITH VIGOR. IF THERE ARE ANY PROBLEMS BEYOND OUR HUMAN RESOURCES TO HANDLE, WE TURN THOSE PROBLEMS OVER TO YOU RIGHT NOW. WE ARE GRATEFUL FOR THE TRUTH OF THE OLD HYMN, LORD: 'LEAVE IT THERE. LEAVE IT THERE. TAKE YOUR BURDEN TO THE LORD AND LEAVE IT THERE. IF YOU TRUST AND NEVER DOUBT, HE WILL SURELY BRING YOU OUT. TAKE YOUR BURDEN TO THE LORD AND LEAVE IT THERE!'

WE TURN THE DAY OVER TO YOU. WORK THROUGH US. THINK THROUGH US. DO YOUR WILL THROUGH US. IN OUR SAVIOUR'S NAME WE PRAY. AMEN."

MOTION

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

REPORTS OF STANDING COMMITTEES

April 1, 1975.

SENATE BILL NO. 2104, establishing criteria and methods county assessor uses in valuing real property (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Wilson, Second Vice Chairman; Fleming, Jones, Lewis (Harry), Mardesich, Marsh, Murray, Rasmussen, Sandison, Washington.

Passed to Committee on Rules for second reading.

April 1, 1975.

SENATE BILL NO. 2143, relating to contracts of first class cities (reported by Committee on Local Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Jolly, North, Sellar, Talley, Wilson.

Passed to Committee on Rules for second reading.

April 1, 1975.

SENATE BILL NO. 2218, providing a minimum limit for port district work contracts without bids (reported by Committee on Local Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Fleming, Chairman; Jolly, North, Sellar, Talley.

Passed to Committee on Rules for second reading.

April 2, 1975.

SENATE BILL NO. 2263, providing a collective bargaining act for certain community college employees (reported by Committee on Higher Education):

MAJORITY recommendation: That Substitute Senate Bill No. 2263 be substituted therefor and the substitute bill do pass.

Signed by: Senators Sandison, Chairman; Benitz, Goltz, Odegaard.

Passed to Committee on Rules for second reading.

April 1, 1975.

SENATE BILL NO. 2345, requiring drivers and passengers in automobiles to use seatbelts (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass.

Signed by: Senators Walgren, Chairman; Henry, Vice Chairman; Beck, Bluechel, Bottiger, Guess, Knoblauch, Lewis (R. H. "Bob"), Sellar, Stortini, Wanamaker.

Passed to Committee on Rules for second reading.

April 2, 1975.

SENATE BILL NO. 2395, raising court reporters' salaries (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Bottiger, Buffington, Clarke, Fleming, Scott, Woody.

Passed to Committee on Rules for second reading.

April 1, 1975.

SENATE BILL NO. 2673, modifying the timber reserve fund distribution for 1975 and setting the time for calculation of harvest factors (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 2673 be substituted therefor and the substitute bill do pass.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Wilson, Second Vice Chairman; Jones, Lewis (Harry), Mardesich, Marsh, Newschwander, Rasmussen, Sandison, Washington.

Passed to Committee on Rules for second reading.

April 1, 1975.

SENATE BILL NO. 2698, permitting the director of public safety to appoint twelve persons to unclassified positions (reported by Committee on Local Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Fleming, Chairman; Jolly, McDermott, North, Sellar, Talley.

Passed to Committee on Rules for second reading.

April 1, 1975.

SENATE BILL NO. 2945, authorizing merger of sewer districts across county lines (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Fleming, Chairman; Jolly, McDermott, North, Sellar, Talley, Wilson.

Passed to Committee on Rules for second reading.

April 2, 1975.

ENGROSSED HOUSE BILL NO. 155, defining duties of the prosecuting attorney authorizing the employment of special duty prosecutors under certain circumstances (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Bottiger, Buffington, Clarke, Scott, Woody.

Passed to Committee on Rules for second reading.

April 1, 1975.

ENGROSSED HOUSE BILL NO. 451, pertaining to the cigarette excise tax (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Wilson, Second Vice Chairman; Jones, Lewis (Harry), Mardesich, Marsh, Murray, Newschwander, Washington.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE GOVERNOR

Office of the Governor, April 2, 1975.

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

LADIES AND GENTLEMEN:

I have the honor to advise that on April 2, 1975, Governor Evans approved the following Senate Bill, entitled:

SENATE BILL NO. 2171: Imposing fine and jail for wilful failure to appear before superior court after release on bail or personal recognizance.

Sincerely,
CHI-DOOH LI
Legal Counsel

MESSAGE FROM THE HOUSE

April 1, 1975.

Mr. President: The Speaker has signed: SENATE BILL NO. 2026, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of Senate Bill No. 2509.

SECOND READING

SENATE BILL NO. 2509, by Senator Woody:

Permitting notaries public to use rubber stamps in addition to seals.

The bill was read the second time by sections.

On motion of Senator Woody, the rules were suspended, Senate Bill No. 2509 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

MOTIONS

On motion of Senator Woody, the rules were suspended, Senate Bill No. 2509 was returned to second reading.

On motion of Senator Woody, Senate Bill No. 2509 was ordered placed at the beginning of the second reading calendar for Thursday, April 3, 1975.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of Senate Bill No. 2484.

SECOND READING

SENATE BILL NO. 2484, by Senators Sandison and Newschwander:

Allowing an officer or employee to receive accrued vacation when transferring from one state agency to another.

The bill was read the second time by sections.

On motion of Senator Sandison the rules were suspended, Senate Bill No. 2484 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. 2484, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—49.

SENATE BILL NO. 2484, having received the 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 Mardesich, Substitute Senate Bill No. 2313 was ordered held on the second reading calendar for Friday, April 4, 1975.

SECOND READING

SUBSTITUTE SENATE JOINT RESOLUTION NO. 129, by Committee on Constitution and Elections (originally sponsored by Senator Mardesich):

Amending the State Constitution.

The Senate resumed consideration of Substitute Senate Joint Resolution No. 129. Substitute Senate Joint Resolution No. 129 was substituted for Senate Joint Resolution No. 129 on March 28, 1975 by Senator Mardesich and held on the second reading calendar at that time.

MOTION

At 10:35 a.m., on motion of Senator Bailey, the Senate recessed until 11:20 a.m.

SECOND MORNING SESSION

The Senate was called to order at 11:20 a.m., by President Pro Tempore Henry.

The Senate resumed consideration of Substitute Senate Joint Resolution No. 129.

On motion of Senator Mardesich, the following amendment by Senators Mardesich and Lewis (Harry) was adopted:

On page 1, line 17, after "governor" insert "*or when specially convened by a two-thirds vote of each house of the legislature*"

Senator Lewis (Harry) moved adoption of the following amendment by Senators Lewis (Harry) and Mardesich:

On page 1, after line 17, insert "*These sessions shall run on consecutive days without adjournment for no more than three days in concurrence with Article 2, Section 11 until adjournment sine die.*"

Senator Morrison moved adoption of the following amendment by Senators Morrison and Clarke to the amendment by Senators Lewis (Harry) and Mardesich:

After "*sine die*" and before the period at the end of the amendment add the following: "*During each odd-numbered year, the regular session shall not be more than ninety consecutive days. During each even-numbered year, the regular session shall not be more than sixty consecutive days. All special sessions of the legislature shall not be more than thirty consecutive days: PROVIDED, That the legislature may extend any session for a time certain by a two-thirds vote of each house of the legislature.*"

Debate ensued.

The motion by Senator Morrison failed and the amendment to the amendment was not adopted.

The motion by Senator Lewis (Harry) carried and the amendment by Senators Lewis (Harry) and Mardesich was adopted.

On motion of Senator Mardesich the rules were suspended, Engrossed Substitute Senate Joint Resolution No. 129 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 Joint Resolution No. 129, and the resolution passed the Senate by the following vote: Yeas, 38; nays, 11.

Voting yea: Senators Bailey, Beck, Bluechel, Bottiger, Buffington, Day, Donohue, Fleming, Francis, Goltz, Grant, Guess, Henry, Herr, Jolly, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, North, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Scott, Stortini, Talley, Van Hollebeke, Walgren, Wanamaker, Washington, Wilson, Woody—38.

Voting nay: Senators Benitz, Clarke, Cunningham, Gould, Jones, Morrison, Murray, Newschwander, Pullen, Sellar, von Reichbauer—11.

ENGROSSED SUBSTITUTE SENATE JOINT RESOLUTION NO. 129, having received the constitutional two-thirds majority, was declared passed.

SECOND READING

SENATE BILL NO. 2650, by Senator Bailey:

Ratifying county budget actions.

REPORT OF STANDING COMMITTEE

February 25, 1975.

SENATE BILL NO. 2650, ratifying county budget actions (reported by Committee on Local Government):

MAJORITY recommendation: Do pass with the following amendments:

On line 7, after "the" and before "election" insert "1974 general"

On lines 9 and 10, after "election" on line 9 and before "expressed" on line 10 strike "is clearly and lawfully" and insert "was"

On line 12, before "with" strike "substantially"

On line 12, after "thereof" and before "properly" strike "is" and insert "was"

Signed by: Senators Fleming, Chairman; Jolly, McDermott, North, Sellar, Talley, Walgren, Wilson.

The bill was read the second time by sections.

On motion of Senator Fleming, the committee amendments to lines 7, 9 and 10 were not adopted.

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

On page 1, lines 9 and 10, strike "clearly" and lawfully".

Senator Fleming moved adoption of the committee amendment to line 12, before "with" striking "substantially"

POINT OF INQUIRY

Senator Bailey: "Would Senator Fleming yield? I am not hung up on the word 'substantially' but if you do not have the word 'substantially' in there and you publish a notice that you are going to set the county commissioners' salary at ten thousand dollars and then you have your budget consideration, if the word is not in there it would seem to me like the county commissioners then could not alter that ten thousand dollars one way or the other, and it would just seem like it would be necessary to have it in there so they could bring it down if the public demanded. That would be my only thought. What is your opinion of that?"

Senator Fleming: "Senator Bailey, in answer to that, I did not have any strong feelings about it. I was one of those who felt as though that maybe once they had put this out, maybe they should not be able to come back and adjust it, and that was some of the committee's thinking. Now I do not have that strong a feeling on it. There might be others of you who want to express your opinion on that."

The motion by Senator Fleming failed and the committee amendment to line 12, before "with" striking "substantially" was not adopted.

On motion of Senator Fleming, the committee amendment to line 12, after "thereof" and before "properly" striking "is" and inserting "was" was not adopted.

POINT OF INQUIRY

Senator Mardesich: "I wonder if Senator Fleming or Senator Bailey would yield to a question? I think Senator Fleming is a little more familiar with the subject now. Senator Fleming, as I read this amendment, or this new section that is proposed, it seems to me that it is possible for the county officers to express, on line 10, the word 'express by ordinance or resolution a salary adjustment.' It does not say that that resolution must be adopted. It would seem to me that might be a direct attempt to circumvent the public hearing required and it would also seem to me that those county commissioners should have that public hearing before they come for office again. That hearing should be held prior to the election. And I wonder whether you would have any objection to, on line 10, striking the word 'expressed' and inserting the word 'adopted' so that prior to election they must have adopted it. And I think that is the real crux of the matter. If you would agree to that, then on line 12 in place of the word 'expression' you would then insert the words 'ordinance or resolution.'"

Senator Mardesich moved adoption of the following amendments:

On page 1, line 10, strike "expressed" and insert "adopted"

On page 1, line 12, strike "expression" and insert "ordinance or resolution"

POINT OF INQUIRY

Senator Wilson: "Would Senator Mardesich yield? I am fully in accord with what you are attempting to achieve. My question is whether an ordinance or resolution exists until it has been adopted. That is, previous to that it is a proposed ordinance or resolution. And the phrase 'expressed by ordinance or resolution,' there is no such thing unless the ordinance or resolution already has been adopted."

Senator Mardesich: "Then I would agree, but then the word 'adopted by ordinance' would cover that. I would think."

Senator Wilson: "I am just suggesting that the present language covers the point you are trying to make, but I certainly have no objection to the amendments."

The motion by Senator Mardesich carried and the amendments were adopted.

On motion of Senator Walgren, the following amendment was adopted:

On page 1, line 13, strike "year" and insert "years".

MOTIONS

On motion of Senator Knoblauch, Senator Ridder was excused.

On motion of Senator Keefe, Senator Donohue was excused.

On motion of Senator Fleming the rules were suspended, Engrossed Senate Bill No. 2650 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. 2650, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—47.

Excused: Senators Donohue, Ridder—2.

ENGROSSED SENATE BILL NO. 2650, having received the 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. 2314, by Senators Morrison and Jones:
Enacting a new criminal code relating to miscellaneous crimes.

REPORT OF STANDING COMMITTEE

February 25, 1975.

SENATE BILL NO. 2314, enacting a new criminal code relating to miscellaneous crimes (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendments:

On page 6, line 12, strike the entire subsection (6) and insert a new subsection to read as follows:

"(6) "Deadly weapon" means any explosive or loaded or unloaded firearm, and shall include any other weapon, device, instrument, article, or substance, including a "vehicle" as defined in this section, which, under the circumstances in which it is used, or threatened to be used, is readily capable of causing death or serious bodily injury;"

On page 7, line 2, strike the entire subsection (13) and insert a new subsection to read as follows:

"(13) "Officer" and "public officer" means a person holding office under a city, county, or state government, or the federal government who performs a public function and in so doing is vested with the exercise of some sovereign power of government, and includes all assistants, deputies, clerks, and employees of any public officer and all persons lawfully exercising or assuming to exercise any of the powers or functions of a public officer;"

On page 25, after subsection (25) on line 5, insert a new subsection to read as follows:

"(26) Section 1, chapter 320, Laws of 1955 and RCW 9.31.005;" and renumber the following subsections accordingly.

On page 26, line 28, strike all of subsections (57) and (58) and renumber the following subsections accordingly.

On page 2, line 28 of the title, after "RCW 9.27.100;" add "repealing section 1, chapter 320, Laws of 1955 and RCW 9.31.005;"

On page 4, line 11 of the title, beginning with "repealing" strike all the matter down through "RCW 9.75.030;"

Signed by: Senators Francis, Chairman; Buffington, Clarke, Fleming, Scott, Van Hollebeke.

The bill was read the second time by sections.

On motion of Senator Francis, the committee amendments to pages 6, 7 and 25 were adopted.

Senator Francis moved adoption of the committee amendment to page 26.

POINT OF INQUIRY

Senator Woody: "Would Senator Francis yield? 9.75.030 which is the reference to RCW is robbing sluice boxes, etc. Why was it that the committee decided that we should retain the section making it a crime to rob sluice boxes?"

Senator Francis: "Senator Woody, as I recall, this committee amendment is your committee amendment so maybe you should speak to it."

Senator Bottiger: "Mr. President and members of the Senate, one of the first bills I introduced when I was elected to the legislature ten years ago was the repeal of the sluice box law. It happened to be an inconsistent statute. It is a larceny to take something from somebody's sluice box and we had a misdemeanor statute being the sluice box statute, which made it an inconsistent remedy within the hands of the prosecuting attorney and probably unconstitutional."

The motion by Senator Francis carried and the committee amendment to page 26 was adopted.

On motion of Senator Francis, the following amendments were adopted:

On page 5, line 2, following "July 1," strike "1976" and insert "1977"

On page 5, line 5, after "July 1," strike "1976" and insert "1977"

On page 27, line 17, after "July 1," strike "1976" and insert "1977"

Senator Pullen moved adoption of the following amendment:

On page 10, after line 31 add a new section as follows:

"CHAPTER 9A.64

NEW SECTION. Sec. 9A.64.030. ADULTERY. (1) Whenever any married person shall have sexual intercourse with any person other than his or her lawful spouse, both such persons shall be guilty of adultery: PROVIDED, That no prosecution for violation of this section shall be commenced except on complaint of the husband or wife made before a judicial officer, or by filing an affidavit with the prosecuting attorney, nor shall any complaint be filed after one year from the commission of the offense.

(2) Adultery is a gross misdemeanor."

POINT OF ORDER

Senator Francis: "Mr. President, at the request of several of the members, I raise the question of scope and object."

RULING BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "The President, in ruling upon Senator Francis's point of order feels that the extra section does not expand the scope and object of the bill and is therefore in order."

POINT OF INQUIRY

Senator Walgren: "Will Senator Pullen yield please? I have a couple of questions, Senator. First, in the proviso on the amendment, is it your intent that if the complaint is filed or if there is an affidavit filed with the prosecuting attorney, that then there will be a mandatory prosecution?"

Senator Pullen: "No."

Senator Walgren: "Secondly, a judicial officer—who are we talking about? Who is the judicial officer in this amendment?"

Senator Pullen: "This is modern language, as I understand it, and it replaces language in the old law where the term 'magistrate' was used, and it would be anything that a magistrate formerly was."

Senator Walgren: "Is that your definition of judicial officer here? That is what you intend by this amendment?"

Senator Pullen: "Yes."

Senator Walgren: "Now with regard to the affidavit, filing of an affidavit with the prosecuting attorney, what would that affidavit contain? It is not specified in your amendment as to what the affidavit is supposed to be."

Senator Pullen: "That question would be difficult for me to answer, since I have never seen such an affidavit myself, but this is the same language that is in the current law so we are not really changing the current law at all in that respect."

Senator Walgren: "Maybe we ought to do that, since we are working with this particular matter here. I think it does leave a lot of conjecture as to what is meant by filing an affidavit. An affidavit, of course, can contain all kinds of things. There is no specification whatsoever in this amendment as to what is to be contained in that affidavit, so I see no great importance in that particular language."

Senator Pullen: "I would certainly welcome any amendatory language that you could come up with. If this amendment is not adopted we have not really changed anything in that regard with respect to what an affidavit is or what it should contain, but if you can clarify that I would certainly appreciate any amendatory language you could come up with."

Senator Guess moved adoption of the following amendment to the amendment by Senator Pullen:

On line 8 of the Pullen amendment, after "affidavit" insert "of particulars"

POINT OF INQUIRY

Senator Walgren: "Will Senator Pullen yield again please? With regard to the last phrase, 'nor shall any complaint be filed after one year from the commission of the offense,' we refer to complaint earlier on in the proviso. Is that the complaint we are referring to here or are we referring to the prosecution filing of a complaint?"

Senator Pullen: "This again is language that is in current law, and my interpretation of it is that we are talking about the complaint that the spouse is filing."

Senator Walgren: "Rather than setting a statute of limitations as to when an adultery prosecution can be commenced?"

Senator Pullen: "That would be my interpretation of the current law as it now exists."

Debate ensued.

The motion by Senator Guess carried and the amendment to the amendment by Senator Pullen was adopted.

Debate ensued.

The motion by Senator Pullen failed and the amendment, as amended, was not adopted on a rising vote.

MOTION

On motion of Senator Lewis (R. H. "Bob"), Senator Matson was excused.

There being no objection, the amendment by Senator Pullen to page 27, line 27 on the Secretary's desk was withdrawn.

On motion of Senator Francis, the committee amendments to the title were adopted.

POINT OF INQUIRY

Senator Odegaard: "Mr. President, would Senator Francis yield to a question?"

Senator Francis: "I will yield. I would rather you had asked me earlier so I could be prepared, but I yield."

Senator Odegaard: "You are always well prepared, Senator. Senator Francis, is there anything in this bill that has anything to do with gun control?"

Senator Francis: "No, there is nothing in this bill. I have checked that, Senator Odegaard, and I am glad you asked me a question I knew the answer to. The bill does nothing about gun control one way or another. I have checked all of the repealers. They do not relate to gun control in any way."

On motion of Senator Francis, the rules were suspended, Engrossed Senate Bill

No. 2314 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Will Senator Francis yield to a question? Senator Francis, I understand two more sexual psychopaths escaped from Western State Hospital. Is there any provision in this law that would make the supervisory officer in that department liable for anything(Anything at all that we could tie it to for the persons that are allowing all these sexual psychopaths to escape?"

Senator Francis: "There is nothing in this bill that would help us with that problem. There is something that we can do, of course, to the prisoner and we do deal with the problem of escape on page 20, escape in the first, second and third degrees, but nothing with regard to any discipline of the supervisory personnel in this bill."

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2314, and the bill passed the Senate by the following vote: Yeas, 44; nays, 2; excused, 3.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—44.

Voting nay: Senators Pullen, Rasmussen—2.

Excused: Senators Donohue, Matson, Ridder—3.

ENGROSSED SENATE BILL NO. 2314, having received the 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. 2126, by Senators Jolly and Benitz:

Permitting public utility districts to pay travel and living expenses of prospective employees.

REPORT OF STANDING COMMITTEE

February 4, 1975.

SENATE BILL NO. 2126, permitting public utility districts to pay travel and living expenses of prospective employees (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass with the following amendments:

On line 7 after "the" and before "actual" insert "necessary and"

On line 9 after "or" and before "other" strike "any"

Signed by: Senators Walgren, Chairman; Beck, Benitz, Bluechel, Bottiger, Guess, Jolly, Knoblauch, Morrison, Peterson, Sellar, Wanamaker.

The bill was read the second time by sections.

On motion of Senator Walgren, the committee amendments were not adopted.

Senator Walgren moved adoption of the following amendment:

Beginning on line 6 strike the balance of the bill and insert:

"When a district commission finds that a vacancy for a technical or managerial position requires special qualifications or entails responsibilities and duties of such a nature that substantial benefits will accrue to the district from personal interviews of candidates for such a vacancy to be held in the district, the district commission, by resolution adopted at a regular meeting, may authorize the payment of necessary and actual travel and living expenses of such candidates incurred while in travel status."

On motion of Senator Walgren, the following amendment to the amendment was adopted:

On line 8 of the Walgren amendment after "payment of" insert "actual" and after "necessary" strike "and actual"

The motion by Senator Walgren carried and the amendment, as amended, was adopted.

On motion of Senator Walgren, the rules were suspended, Engrossed Senate Bill No. 2126 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 Stortini: "Would Senator Jolly yield to a question? Senator, is this being done in any other area, city, county, or the Governor's office at the present time?"

Senator Jolly: "I cannot answer that. I know that private utilities have this authority but I do not know whether the other county and city officials do or not. I could not answer."

Senator Benitz: "Yes, Mr. President and members of the Senate, it is being done in many other agencies and the law simply did not allow the PUD's to do it. Many educational agencies have done this and shall continue to do it. This just simply allows the PUD's to do it with good direction that the bill has now."

Further debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2126, and the bill passed the Senate by the following vote: Yeas, 40; nays, 6; excused, 3.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Clarke, Cunningham, Day, Fleming, Francis, Goltz, Gould, Grant, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Sandison, Scott, Sellar, Talley, Van Hollebeke, Walgren, Wanamaker, Washington, Wilson—40.

Voting nay: Senators Buffington, Guess, Rasmussen, Stortini, von Reichbauer, Woody—6.

Excused: Senators Donohue, Matson, Ridder—3.

ENGROSSED SENATE BILL NO. 2126, having received the 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 Mardesich, the Senate commenced consideration of Senate Bill No. 2408.

SECOND READING

SENATE BILL NO. 2408, by Senators Grant, Morrison, Ridder, Mardesich, von Reichbauer, Bailey, Sellar and Matson:

Establishing the public employment relations commission.

MOTIONS

On motion of Senator Grant, Substitute Senate Bill No. 2408 was substituted for Senate Bill No. 2408 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Guess, the following amendments by Senators Matson, Guess and Grant were adopted:

On page 3, line 12, after "be" and before "appointed" insert "citizens".

On page 3, line 26, after "cause." insert the following:

"(2) No person may be appointed, reappointed, or continue to serve as a member of the commission who is employed by the state or any agency or subdivision thereof, or who is employed by an association of persons employed by the state or any agency or subdivision thereof.

(3) In making citizen member appointments initially, and subsequently thereafter, the governor shall be cognizant of the desirability of appointing persons knowledgeable in the area of labor relations in the state."

Remember remaining subsections accordingly.

On motion of Senator Grant, the rules were suspended, Engrossed Substitute Senate Bill No. 2408 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: "Will Senator Grant yield? Senator Grant, am I correct in assuming that nothing in this bill injects the area of compulsory or binding arbitration in the state law to any greater extent that it might already exist?"

Senator Grant: "That is correct, Senator Wilson. The only compulsory or binding arbitration that exists in the state law currently is for firefighters and for policemen and for deputy sheriffs in King County, and that continues. That is not changed. It does not extend compulsory or binding arbitration in any other area."

POINT OF INQUIRY

Senator Talley: "Will Senator Grant yield? I understand you took marine employees and organizations out of the bill?"

Senator Grant: "Yes, it does. It does away with the Marine Employees Commission and has the new commission, the Public Employees Commission, handle their prior functions."

Senator Talley: "Senator Grant, does a longshoreman have, in your contract, a binding arbitration agreement now in the organization setup for arbitration? Would this in any way interfere with that?"

Senator Grant: "Senator Talley, as far as I know it would not affect any existing contracts, and I think there is language in the measure that indicates there would be no effect on existing contracts."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2408, and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; absent or not voting, 1; excused, 3.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Sandison, Scott, Sellar, Stortini, Van Hollebeke, von Reichbauer, Walgren, Wana-maker, Washington, Wilson, Woody—44.

Voting nay: Senator Talley—1.

Absent or not voting: Senator Day—1.

Excused: Senators Donohue, Matson, Ridder—3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2408, having received the 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 Mardesich, the Senate advanced to the fifth order of business.

There being no objection, on motion of Senator Mardesich, Senate Bill No. 2962 was ordered held on the Introduction and First Reading calendar for Monday, April 7, 1975.

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

On motion of Senator Mardesich, Senate Resolution 1975-26 regarding Washington State Losers' Day was referred to the Committee on Rules.

MOTION

On motion of Senator Lewis (Harry), the following resolution was adopted:

SENATE RESOLUTION 1975-29

By Senator Lewis (Harry) and Bottiger:

WHEREAS, 1976 is our Nation's 200th birthday and has been designated the year of our Bicentennial Celebration in these United States of America; and

WHEREAS, We, the citizens of the State of Washington, proud of our role in America's history, wish to actively participate in the celebration; and

WHEREAS, The City of Philadelphia, Pennsylvania, the seat of America's history and site of the Constitutional Convention, will be the center of Bicentennial festivities including the assemblage of all the great historic sailing vessels in July of 1976; and

WHEREAS, The Brigantine sailing schooners were used in the delivery of arms and ammunition during the American Revolution, were instrumental in coastal trade and in bridging the distance between our far-flung colonies, and in uniting our people in our early struggles against the vast wilderness that is our heritage; and

WHEREAS, The M. S. Brigantine Explorer is an outstanding example of Washington State's interest in maritime history, has been entirely restored by private funding, morally supported and physically made possible by individual citizens and is supported for participation in the Bicentennial flotilla of historic sailing ships by the Olympia Maritime Branch of the State Capitol Museum; and

WHEREAS, The M. S. Brigantine Explorer was built in 1904 and served the citizens of the United States and the State of Washington by conveying surveyors and charters of Puget Sound and of coastal waters extending to Alaska, and by serving during both World War I and World War II; and

WHEREAS, The explorer has been the center of many of Washington's cultural and educational events such as the Pacific Northwest Artists' Annual Festival, the Seattle Seafair, and the Poulsbo Viking Fest; serving as the featured ship at the dedication of Seattle's Washington Street Waterfront Park in 1973 and the first Maritime Day in the Port of Olympia in 1974. The Explorer was enrolled as an off campus training program for Antioch College and has been used as a training project for students of Evergreen State College; and

WHEREAS, The Explorer represents a most unusual historical restoration, linking the nation's beginnings with today; the Explorer, while presenting a "turn of the century" image will be a functional sailing vessel proudly carrying participating Washington State citizens to the other great seaports along our nation's coastline and ultimately to the Bicentennial celebration in Philadelphia;

NOW, THEREFORE, BE IT RESOLVED, By the Washington State Senate, that the M. S. Brigantine Explorer be hereby officially authorized to represent the citizens of the State of Washington and to fly our state's flag amidst the great sailing ships from our maritime past during the Bicentennial celebrations of the United States of America; and

BE IT FURTHER RESOLVED, That a copy of this resolution be transmitted by the Secretary of the Senate to the M. S. Brigantine Explorer to be displayed thereon.

PRESENTATION OF CERTIFICATE

Senator Lewis (Harry) presented a Certificate and drawing of the M. S. Brigantine Explorer to President Pro Tempore Henry.

MOTION

At 1:10 p.m., on motion of Senator Mardesich, the Senate adjourned until 10:15 a.m., Thursday, April 3, 1975.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

TWENTY-FIRST DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, April 3, 1975.

The Senate was called to order at 10:15 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Grant and Rasmussen. On motion of Senator Knoblauch, Senators Grant and Rasmussen were excused.

The Color Guard, consisting of Pages Shawn Murrow and Eric Leaf, presented the Colors. Reverend Glen D. Cole, pastor of Evergreen Christian Center of Olympia, offered the following prayer:

"LORD, WE WOULD FOCUS OUR MINDS ON ONE OF THE GREAT STATEMENTS IN SCRIPTURE IN OUR DEVOTIONAL TIME TOGETHER THIS MORNING. JESUS SAID IT: 'THE THINGS WHICH ARE IMPOSSIBLE WITH MEN ARE POSSIBLE WITH GOD.' WE KNOW IT IS POSSIBLE TO THINK OURSELVES TO FAILURE AND TO DEFEAT; OR WE CAN BELIEVE OURSELVES INTO SUCCESS AND ACHIEVEMENT. WE CAN TAKE LIFE LYING DOWN, OR WE CAN STAND UP TO IT AND MEET IT HEAD ON. WE REACH OUT TO YOU IN THIS TIME OF PRAYER, HEAVENLY FATHER, FOR WE ARE WELL ACQUAINTED WITH THE WEAKNESSES OF OUR HUMAN FRAME. WITH YOUR HELP, WE CAN BE HIGH ACHIEVERS TODAY. WITH YOUR HELP WE CAN CONTRIBUTE SOMETHING TO SOCIETY TODAY THAT WILL GLORIFY YOU AND HELP LIFT THE LOAD FOR THOSE AROUND US. EVERYTHING THAT IS IN HARMONY WITH YOUR WILL IS A GREAT POSSIBILITY TODAY. THANK YOU FOR SUCH POTENTIAL. HELP US TO DREAM BIG DREAMS AND THEN BELIEVE AND ACHIEVE, THROUGH JESUS CHRIST, OUR LORD. AMEN!"

MOTION

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

REPORTS OF STANDING COMMITTEE

April 2, 1975.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2235, allowing certain public utility districts to acquire, construct, operate and add to sewage and sanitation systems (reported by Committee on Local Government):

MAJORITY recommendation: That Second Substitute Senate Bill No. 2235 be substituted therefor and the second substitute bill do pass.

Signed by: Senators Fleming, Chairman; Jolly, McDermott, Sellar, Talley, Walgren, Wilson.

Passed to Committee on Rules for second reading.

April 1, 1975.

SENATE BILL NO. 2258, screening certain school children in order to identify any children with specific learning disabilities (reported by Committee on Ways and Means):

MAJORITY recommendation: That Second Substitute Senate Bill No. 2258 be substituted therefor and the second substitute bill do pass.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Wilson, Second Vice Chairman; Fleming, Jones, Lewis (Harry), Mardesich, Marsh, Newschwander, Rasmussen, Sandison, Washington.

Passed to Committee on Rules for second reading.

April 2, 1975.

SENATE BILL NO. 2398, regulating court reporters (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Francis, Chairman; Buffington, Clarke, Marsh, Scott, Woody:

Passed to Committee on Rules for second reading.

April 2, 1975.

SENATE BILL NO. 2460, providing for the merger or consolidation of water districts in class AA counties (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Fleming, Chairman; Jolly, McDermott, North, Sellar, Talley, Walgren, Wilson.

Passed to Committee on Rules for second reading.

April 3, 1975.

SENATE BILL NO. 2723, limiting the use of criminal offender records and prescribing procedures (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Francis, Chairman; Bottiger, Buffington, Marsh, Van Hollebeke, Woody.

Passed to Committee on Rules for second reading.

April 2, 1975.

SENATE BILL NO. 2742, authorizing duty related benefits for disabilities for university and state college sworn police officers (reported by Committee on Higher Education):

Recommendation: Do pass.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Guess, Odegaard, Scott.

Passed to Committee on Rules for second reading.

April 2, 1975.

SENATE BILL NO. 2795, relating to public disclosure (reported by Committee on Constitution and Elections):

Recommendation: That Substitute Senate Bill No. 2795 be substituted therefor and the substitute bill do pass.

Signed by: Senators Beck, Chairman; Grant, Lewis (R. H. "Bob"), Pullen, Stortini, Washington.

Passed to Committee on Rules for second reading.

April 2, 1975.

SENATE BILL NO. 2875, establishing procedures for promotion of members of sheriff's office (reported by Committee on Local Government):

MAJORITY recommendation: That Substitute Senate Bill No. 2875 be substituted therefor and the substitute bill do pass.

Signed by: Senators Fleming, Chairman; Jolly, McDermott, Talley, Wilson.

Passed to Committee on Rules for second reading.

April 2, 1975.

SENATE BILL NO. 2882, exempting certain deliberations of the state's institutions of higher education from the open public meetings act (reported by Committee on Higher Education):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Odegaard, Scott.

Passed to Committee on Rules for second reading.

April 2, 1975.

SENATE JOINT RESOLUTION NO. 134, setting legislator's salaries at \$8,400 per year (reported by Committee on Constitution and Elections):

MAJORITY recommendation: Do pass as amended and refer to Committee on Ways and Means.

Signed by: Senators Beck, Chairman; Frant, Stortini, Washington.

Referred to Committee on Ways and Means.

April 1, 1975.

ENGROSSED HOUSE BILL NO. 15, extending special immunities to pharmacists (reported by Committee on Social and Health Services).

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; von Reichbauer, Vice Chairman; Francis, Goltz, Gould, Herr, McDermott, North, Ridder.

Passed to Committee on Rules for second reading.

March 31, 1975.

ENGROSSED HOUSE BILL NO. 76, providing a public registrar in each public school (reported by Committee on Constitution and Elections):

MAJORITY recommendation: Do pass.

Signed by: Senators Beck, Chairman; Grant, Stortini, Washington.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE HOUSE

April 2, 1975.

Mr. President: The House has passed:

ENGROSSED HOUSE BILL NO. 467,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 591,

ENGROSSED HOUSE BILL NO. 595,

ENGROSSED HOUSE BILL NO. 733, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

April 2, 1975.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2203, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

April 2, 1975.

Mr. President: The Speaker has signed SENATE BILL NO. 2268, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MESSAGE FROM THE HOUSE

April 2, 1975.

Mr. President: The House refuses to recede from its amendments to SENATE BILL NO. 2079, and asks the Senate for a conference thereon, and the Speaker has appointed as the House conferees on Senate Bill No. 2079 and the House amendments thereto: Representatives Hansen, Conner and Blair.

DONALD R. WILSON, Assistant Chief Clerk.

MOTION

On motion of Senator Walgren, the request of the House for a conference on Senate Bill No. 2079 and the House amendments thereto was granted.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Senate Bill No. 2079 and the House amendments thereto: Senators Henry, Beck and Guess.

MOTION

On motion of Senator Walgren, the Conference Committee appointments were confirmed.

SIGNED BY THE PRESIDENT

The President signed:
SENATE BILL NO. 2203.

INTRODUCTION AND FIRST READING

ENGROSSED HOUSE BILL NO. 467, by Representatives McKibbin, King, Seeburger, Brown, Bauer, Chandler, Moreau and Hawkins:
Regulating use of candidates' picture in political advertising.
Referred to Committee on Constitution and Elections.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 591, by Committee on Commerce (originally sponsored by Representatives O'Brien, Warnke, Newhouse, Bausch and Ceccarelli):
Authorizing state funding for international trade fairs.
Referred to Committee on Commerce.

ENGROSSED HOUSE BILL NO. 595, by Representatives Gaspard, Pardini, Ceccarelli and Moon:
Prohibiting certain practices by camping clubs and prescribing penalties.
Referred to Committee on Commerce.

ENGROSSED HOUSE BILL NO. 733, by Representatives Chatalas, Brown and Kalich:
Authorizing solid waste collection and processing by cities and towns.
Referred to Committee on Local Government.

SECOND READING

SENATE BILL NO. 2509, by Senator Woody:
Permitting notaries public to use rubber stamps in addition to seals.

The Senate resumed consideration of Senate Bill No. 2509. On Wednesday, April 2, 1975 the bill was advanced to third reading by Senator Woody. There being no objection, the rules were suspended and the bill was returned to second reading at that time by Senator Woody and held for further consideration today.

Senator Cunningham moved adoption of the following amendment:

On page 1, after "governor" and before the period insert ": *PROVIDED, That if a stamp is used the following requirements shall apply:*

- (1) *The type shall be a minimum of 8 point type.*
- (2) *The stamp shall be two inches in diameter.*
- (3) *The stamp shall be affixed with indelible ink only.*
- (4) *The face of any notary stamp shall contain permanently affixed letters and numerals and shall not be preprinted."*

On motion of Senator Cunningham, the following amendments to the amendment were adopted:

Amend the Cunningham amendment to page 1. line 27 as follows:

In subsection (3) strike "*stamp*" and insert "*imprint*".

Amend the Cunningham amendment to page 1, line 27 as follows: In subsection (2) after "*inches*" insert "*minimal*".

POINT OF INQUIRY

Senator Wilson: "Would Senator Cunningham yield? What does the phrase 'shall not be preprinted' mean?"

Senator Cunningham: "What I am intending to do is, as many of you know, certain parts of the notary's statement are preprinted. Those usually show the address, the date, and the date of his commission expiration. Because I do not feel that the notary seal itself should be preprinted on those, that is what I am trying to do in that end of the sentence on (4)."

The motion by Senator Cunningham carried and the amendment, as amended, was adopted.

On motion of Senator Woody, the rules were suspended, Engrossed Senate Bill No. 2509 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. 2509, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—47.

Excused: Senators Grant, Rasmussen—2.

ENGROSSED SENATE BILL NO. 2509, having received the 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. 2424, by Senators Walgren, Washington and Lewis (R. H. "Bob"):

Coordinating public water supply system planning.

MOTIONS

On motion of Senator Washington, Substitute Senate Bill No. 2424 was substituted for Senate Bill No. 2424, 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 Washington was adopted:

On page 4, after line 17, insert the following:

"(6) Nothing in this act shall apply to water which is bottled or otherwise packaged in a container for human consumption, or domestic use, including the treatment, storage and transportation facilities used in the processing of the bottled water and the distribution of the bottles or containers of water.

(7) Nothing in this act shall be used or interpreted to require the fluoridation of public water supply systems."

On motion of Senator Washington, the rules were suspended, Engrossed Substitute Senate Bill No. 2424 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Guess: "Would Senator Washington yield? Senator Washington, in section 2, subsection (1) of the bill, it provides the establishment of critical regional areas re-

lating to water utility planning and development. The question I would like to ask you is, does this allow the Secretary of the Department of Social and Health Services to divide the state into thirteen regions and to establish planning for water development within those thirteen regions, or any other number of regions?"

Senator Washington: "No, it does not. This would particularly apply to a particular area. For instance, in my own area around the city of Moses Lake we have a number of private purveyors. You have the city; you have people who are substantially outside the city limits who would like to have city water established; and this is a mechanism for establishing such a system. It also would allow them, of course, to have fire protection, but that would be one area — it would be that system which could be served by water. For instance, in Grant County there might be one around Ephrata. There could be one perhaps in the Quincy area. It envisages small contiguous areas that can be served by a more unified water system for domestic purposes."

Senator Guess: "Senator Washington, there is one other statement on critical areas and that is subsection (7) on page 2, and it says that the critical regional area means the geographical area on which there are a number of purveyors in close proximity. In other words, what you are telling me, that these people have to be within close proximity of each other and because a county adjoins another county this would in no way be interpreted to mean that they are in close proximity?"

Senator Washington: "No, it would not."

Senator Guess: "Thank you very much."

POINT OF INQUIRY

Senator Bailey: "Would Senator Washington yield? Senator, I think this is a good bill but I want to know about a case of a person living right outside or a little ways away from a water district where they possibly could get their water supply. Now is this bill going to be so complicated and full of red tape and shorelines applications and things of this sort that until the master plan is adopted that the property just lying a little ways out of the area cannot get water until they have a large main or look ahead fifty years or will this"

Senator Washington: "There is nothing in this that would hold anything in abeyance. In other words, there would be no rules and regulations until the plan itself is adopted and there would be nothing that would prevent, at the present time, someone making a short connection. It particularly provides that where you do already have a main, the connection from the residence to the main is not involved. It would not, also, prevent the establishment of a pipeline to this small area until the plan is actually developed."

Senator Bailey: "Senator, what I was getting at, I know a number of cases where someone has lived a short distance from the city, maybe a mile or something like that, or outside a water district where they wanted public water and they have made a deal where they would buy all the pipe and lay it to their property and usually the company lays it for them and puts it in, but then shortly afterwards a neighbor moves on and builds a house nearby and they hook on to that and pretty soon they are not adequate for the area. The point I am getting at, does this stop the original person from getting water? If it does, it is pretty hard to keep the value of property up or to make sales out in that area."

Senator Washington: "It would not keep the first person from building the pipe to his property until the plan is set up, but once the plan is set up, then they would have to comply with the plan and put in pipes that would allow a systematic distribution of water. At the present time now you have so many small pipes in many of these small subdivisions it is impossible for them to get fire protection. This is necessary if we are going to cut down on the insurance premiums in many of these areas."

POINT OF INQUIRY

Senator Day: "Would Senator Washington yield? I note here in the analysis or digest of the bill that it says this directs the board of health to adopt rules concerning

water supply plans. Now would this allow them to mandate, for example, fluoridation in any water supply?"

Senator Washington: "No, I felt there would be no problem there at all, but we did put in the bill the amendment to take care of that because we had a number of people who asked that question. And the amendment says, 'Nothing in this act shall be used or interpreted to require the fluoridation of a public water supply system.' In other words, we had some people in Spokane, we had some people from Bellingham who were particularly concerned and this amendment has been drawn at their instance. This is why that is put in."

Senator Day: "It does not preclude fluoridation?"

Senator Washington: "No, it does not preclude it. In other words, it leaves the law just the way it is."

MOTION

On motion of Senator Lewis (Harry), Engrossed Substitute Senate Bill No. 2424 was ordered placed on the third reading calendar for Friday, April 4, 1975.

SECOND READING

SENATE BILL NO. 2059, by Senators Day and McDermott:
Involving the hospital commission in comprehensive health planning.

MOTIONS

On motion of Senator Day, Substitute Senate Bill No. 2059 was substituted for Senate Bill No. 2059, and the substitute bill was placed on second reading and read the second time in full.

Senator Day moved adoption of the following amendment:

On page 6, line 22, after "enrollees" strike the period and insert "[.] ;" and on line 23 insert the following new subsection:

"(13) In carrying out its responsibilities relative to approving certificates of need for nursing homes, the commission shall have access to all financial and accounting data maintained by the applicant and the department of social and health services."

POINT OF INQUIRY

Senator Lewis (Harry): "Would Senator Day yield? Senator Day, either in the amendment you are proposing or in the bill itself, is there any intent or possibility of this commission establishing rates for nursing homes?"

Senator Day: "There is only one possibility of them establishing rates for nursing homes and that is in the existing statute and that is in Section 15 of the original bill which was passed two years ago and I will read it verbatim to you. 'For the purposes of the federal Economic Stabilization Act of 1970 as now or hereafter amended, the commission shall serve as the state agency responsible for recommending increases in rates for hospitals and related health care institutions to the Federal Price Commission or its successor.' And then they go on to say, 'Provided, however, in cases where the rates of nursing homes or similar health care institutions are subject to federal review, the members of the commission representing hospitals shall not sit,' and they allow a nursing home member to sit in lieu thereof. Now they have absolutely no other rate regulation or review relative to nursing home rates."

Senator Lewis (Harry): "And as I heard your language, it applies only to a recommendation. It does not apply to actual setting of rates."

Senator Day: "That is correct."

Senator Lewis (Harry): "Thank you."

Debate ensued.

POINT OF INQUIRY

Senator Washington: "Would Senator Day yield? In looking at the proposed amendment, it seems to me that it is in line with what the legislature would like to do to

be as specific as possible and leave as little in the general field for rules and regulations on the part of the department. It would seem that a lot of thought has been given and we have these specified items. I wonder how that would hurt your amendment. In other words, you are asking for everything that is broad. Why would not this be specific and be a real guidance on our part to the Secretary as to what we would want him to do?"

Senator Day: "I agree, and I also agree with what Senator Mardesich has said relative to the setting of rates in nursing homes; but if you will read the first line of both amendments which reads, 'In carrying out its responsibilities relative to approving certificates of need.' Now that means that if they are going to expand a nursing home by building on some rooms or providing some more beds or if they are going to apply for a certificate of need to build a new nursing home, that certain information should be available to this rate commission for purposes of the application of certificate of need. Now you can see that what this does, what you are attempting to do is two things. Senator Mardesich wants to have a rate study relative to payment. This, I really believe, is not the place for such an amendment. It has nothing to do with payment except as it relates to building additional facilities, because it relates to certificate of need. We are not transferring the rate-making structure to the Hospital Rate Commission. They do not want it at this time and the Secretary does not want to give it to them at this time. So you see we are talking about two different things, apples and oranges. The thing is that the committee has just put a bill out relative to addressing itself to low standards in nursing homes. It is on its way to Rules right now, and the thing is that we are addressing two subjects here. I agree that we should have all the factual information relative to rate setting which remains with the Secretary of the Department of Social and Health Services. It is not transferred, either by this amendment or by intent in the bill to the Hospital Rate Commission. We are talking about the transfer of certificate of need, you see."

Senator Washington: "To be specific, Senator Day, which of these items in this amendment proposed by Senators McDermott and Mardesich do you think are asking for information which would be improper under the application for certificate of need?"

Senator Day: "I do not think any of it is improper. I think it is information they should have. I just think it is a matter of whether you want to put five lines in a statute that gives the same authority as all the rest of it or you want to put all the rest of it into it. I think it makes absolutely no difference. Whichever the legislature wants to do. But if we attempt to transfer the rate-making mechanism into this bill and give it to the Hospital Rate Commission, I can assure you that the Secretary will do everything he can to kill it and so will the Hospital Rate Commission, which means in effect that you are killing the bill."

Senator Guess moved adoption of the following amendment to the amendment by Senator Day:

Amend the Day amendment to line 23 adding a new subsection (13) as follows: After "services" on the last line of the amendment and before the period insert "; including the cost of implementing any new rules or regulations required by either the state or federal government".

Debate ensued.

The motion by Senator Guess carried and the amendment to the amendment by Senator Day was adopted.

Senator McDermott moved adoption of the following amendment by Senators McDermott and Mardesich to the amendment by Senator Day:

Amend the Day amendment to line 23 adding new subsection (13) as follows: After "government." on the last line of the Guess amendment to the Day amendment insert "These data shall include, but shall not be limited to, the following:

(a) Any and all costs of administration including salaries paid during a period of five years and projected to be paid during the ensuing two years to the owners for homes owned by individuals or partnerships and paid to officers and other executives if the business entity is a corporation including salary schedules of all executives or department heads;

(b) Cost of acquisition and development of all real property to be utilized in the

construction or expansion of the new facilities including cost of professional services expected to be incurred in connection with construction or expansion of the facility;

(c) In the case of nursing homes owned by corporations, cash and stock dividend records of the corporation over the past five years;

(d) Cost of various utility services;

(e) Cost of insurance premiums for fire, casualty, liability and malpractice insurance;

(f) Cost of all advertising;

(g) All manner of payments, grants and gifts received from any federal or state agency by the nursing home including medicare payments for patients, medicaid payments of patients, other payments under the social security act;

(h) Cost of food and all manner and means of supplies;

(i) Any and all personal, real and property taxes paid;

(j) A list of all professional staff including physicians, nurses, dieticians employed directly or indirectly by the nursing home;

(k) Cost of all drugs and medicines furnished to patients;

(l) Disclosure of ownership of any pharmacy that may be operated in conjunction with the nursing home or may be owned jointly by the owners thereof;

(m) Any and all federal and state tax returns which have been filed by the applicant during the past five years shall be attached to the application."

POINT OF ORDER

Senator Day: "The gentleman is not speaking about certificate of need. He is speaking about, I do not know, somebody's profit and loss statement and making a speech relative to nursing homes. I would suggest that he should speak to his amendment to the amendment."

RULING BY THE PRESIDENT

The President: "The Senator will confine his remarks to the amendment to the amendment."

Further debate ensued.

POINT OF INQUIRY

Senator Cunningham: "Would Senator McDermott yield to a question? Senator McDermott, as you know, I just asked to see that statement. You used the figure that the man would have one million six hundred thousand dollar income against a nine hundred thousand dollar expense for the year?"

Senator McDermott: "That is correct."

Senator Cunningham: "The statement I am looking at, those are not quarters. Those are six month increments, and so I say that it is a million six in two years."

Senator McDermott: "That is what I said."

Senator Cunningham: "Now if his costs are nine hundred thousand dollars a year, I would say the man is going to lose two hundred thousand dollars. I think what I am really asking is, would you object to giving us a little time to go over this before we vote on this amendment?"

Senator McDermott: "I really see no point in it. If you have some objection to whether that data is necessary, I think you could raise that question, but the issue is not the specific case I raised but the principle involved, that is, gathering the data. It is obvious when a man has that kind of income, on those kinds of expenses, there needs to be accurate data, the most specific data available. I really see no point in waiting."

Further debate ensued.

The motion by Senator McDermott carried and the amendment to the amendment by Senator Day was adopted on a rising vote.

The motion by Senator Day carried and the amendment, as amended, was adopted. On motion of Senator Day, the following amendment was adopted:

On page 10, line 13, after "on" and before "applications" insert "such".

On motion of Senator Day, the rules were suspended, Engrossed Substitute Senate

Bill No. 2059 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

President Pro Tempore Henry assumed the Chair.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2059, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2. Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—47.

Excused: Senators Grant, Rasmussen—2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2059, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

President Cherberg assumed the Chair.

MOTION

On motion of Senator Francis, Senate Joint Resolution No. 101 was ordered to hold its place on the second reading calendar for Monday, April 7, 1975.

SECOND READING

SENATE BILL NO. 2169, by Senators Bottiger, Sellar and Talley:

Providing for the adoption and implementation of standards for integrating school library and media services.

The bill was read the second time by sections.

On motion of Senator Lewis (Harry), the following amendment was adopted:

On page 1, line 19, after "survey" and before "all" insert ", utilizing personnel within his department and not outside consultants."

On motion of Senator Mardesich, the following amendment was adopted:

On page 1, line 27, after "include" insert "as a separate item".

MOTIONS

On motion of Senator Odegaard, Senator Donohue was excused.

On motion of Senator Knoblauch, Senator Goltz was excused.

On motion of Senator Stortini, the rules were suspended, Engrossed Senate Bill No. 2169 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Woody: "Would Senator Bottiger yield? The exact language says, 'Standards for integrating school district library media services into learning resource centers.' What is a learning resource center? Is it defined anyplace in the code?"

Senator Bottiger: "That is the new modern name for library services. I do not know that it is specifically defined somewhere else but that is the pretty well accepted meaning."

Senator Woody: "If libraries are learning resource centers, how can you integrate the same thing into the same thing?"

Senator Bottiger: "It establishes the standards for integration of the learning resource centers, including libraries, as I understand it, to make that a part of the school district's budget."

Senator Gould: "Mr. President, if I may help to clarify. In my understanding, a

learning resource center is beyond just library books. It also includes audio-visual materials and tapes that are used in studies of languages and things such as that, so it is a little bit broader but in this case it would put them all together as learning resources."

POINT OF INQUIRY

Senator Woody: "Would Senator Gould yield? I know that you are much more familiar than some of us with the terminology, but the words 'learning resource centers,' is this something that perhaps is used in the Washington Administrative Code, so that the next dreamer-upper of terminology does not say, 'Well, to me it means such and such,' and we"

Senator Gould: "I frankly do not know if it is used in the Code. It is a pretty familiar term and pretty standardized among people in education. I think if you feel that it needs to be defined, it could be done in the bill."

Senator Wilson: "Libraries are to learning resource centers as garbage dumps are to sanitary landfills. They are essentially the same thing, but they are supposed to come out better."

On motion of Senator Stortini, the rules were suspended, Engrossed Senate Bill No. 2169 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. 2169, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4. Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Fleming, Francis, Gould, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Holiebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—45.

Excused: Senators Donohue, Goltz, Grant, Rasmussen—4.

ENGROSSED SENATE BILL NO. 2169, having received the 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. 2142, by Senators Peterson, Talley and Lewis (Harry):

Transferring certain duties from the director of fisheries to the director of revenue.

MOTIONS

On motion of Senator Peterson, Substitute Senate Bill No. 2142 was substituted for Senate Bill No. 2142, and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Lewis (R. H. "Bob"), Senator Jones was excused.

On motion of Senator Peterson, the rules were suspended, Substitute Senate Bill No. 2142 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. 2142, and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Fleming, Francis, Gould, Guess, Henry, Herr, Jolly, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—44.

Excused: Senators Donohue, Goltz, Grant, Jones, Rasmussen—5.

SUBSTITUTE SENATE BILL NO. 2142, having received the 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. 2176, by Senators Bottiger, Morrison, Fleming, McDermott and Stortini (by Superintendent of Public Instruction request):

Mandating certain school districts to divide into director districts and providing for election of directors thereunder.

REPORT OF STANDING COMMITTEE

February 21, 1975.

SENATE BILL NO. 2176, mandating certain school districts to divide into director districts and providing for election of directors thereunder (reported by Committee on Education):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, beginning on line 25, strike all of the material down to "school boards" on line 26 and insert "The".

On page 2, section 2, line 29 after "shall" and before "establish" on line 30, insert "upon petition by five percent or more of the registered voters in the school district who voted in the last general election."

Signed by: Senators Stortini, Chairman; Francis, Gould, McDermott.

The bill was read the second time by sections.

On motion of Senator Stortini, the committee amendment to page 2, beginning on line 25, was adopted.

Senator Stortini moved adoption of the committee amendment to page 2, line 29.

On motion of Senator Clarke, the following amendment to the committee amendment was adopted:

Amend the Committee amendment to page 2, line 29 as follows: After "petition by" strike "five" and insert "ten".

The motion by Senator Stortini carried and the committee amendment, as amended, was adopted.

On motion of Senator Clarke, the following amendment was adopted:

On page 1, line 20, after "at least" strike "five" and insert "ten".

On motion of Senator Stortini, the rules were suspended, Engrossed Senate Bill No. 2176 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 Senate Bill No. 2176, and the bill failed to pass the Senate by the following vote: Yeas, 22; nays, 23; absent or not voting, 1; excused, 3. Voting yea: Senators Bailey, Beck, Benitz, Clarke, Fleming, Francis, Henry, Knoblauch, Mardesich, Marsh, McDermott, Morrison, Odegaard, Peterson, Ridder, Stortini, Talley, Van Hollebeke, von Reichbauer, Washington, Wilson, Woody—22.

Voting nay: Senators Bluechel, Bottiger, Buffington, Cunningham, Day, Donohue, Gould, Guess, Herr, Jolly, Jones, Keefe, Lewis (R. H. "Bob"), Matson, Murray, Newschwander, North, Pullen, Sandison, Scott, Sellar, Walgren, Wanamaker—23.

Absent or not voting: Senator Lewis (Harry)—1.

Excused: Senators Goltz, Grant, Rasmussen—3.

ENGROSSED SENATE BILL NO. 2176, having failed to receive the constitutional majority, was declared lost.

NOTICE OF RECONSIDERATION

Having voted on the prevailing side, Senator Bottiger served notice that he would, on the next working day, move for reconsideration of the vote by which Engrossed Senate Bill No. 2176 failed to pass the Senate.

MOTION FOR RECONSIDERATION

Senator Newschwander moved that the rules be suspended and the Senate immediately reconsider the vote by which Engrossed Senate Bill No. 2176 failed to pass the Senate.

The motion by Senator Newschwander carried on a rising vote and the Senate moved to immediately reconsider the vote by which Engrossed Senate Bill No. 2176 failed to pass the Senate.

Debate ensued.

REMARKS BY THE PRESIDENT

The President: "Senator Francis, the motion was to immediately suspend the rules and reconsider the vote by which the bill was lost. That motion was adopted by the members of the Senate. Now the question is whether or not the members wish to reconsider the vote."

Senator Francis: "In other words, Mr. President, all we voted on was whether we are going to do it now instead of some other time. Now we have agreed to do it now, we still have to vote on the question of reconsideration?"

The President: "Yes, Senator Francis."

The motion for reconsideration carried.

The President declared the question before the Senate is the roll call on final passage of Engrossed Substitute Senate Bill No. 2176.

MOTION

Senator Bottiger moved that Engrossed Senate Bill No. 2176 be held for third reading on Friday, April 4, 1975.

Debate ensued.

The motion by Senator Bottiger carried on a rising vote. Engrossed Senate Bill No. 2176 was ordered placed on the third reading calendar for Friday, April 4, 1975.

MOTION

On motion of Senator Mardesich, the Senate returned to the fourth order of business.

MESSAGE FROM THE HOUSE

April 2, 1975.

Mr. President: The House has passed SENATE BILL NO. 2021, with the following amendment:

On page 1, line 9 after "fees" strike "different from" and insert "less than", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Fleming, the Senate refused to concur in the House amendment to Senate Bill No. 2021, and asks the House to recede therefrom.

MOTIONS

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

At 12:40 p.m., on motion of Senator Mardesich, the Senate adjourned until 10:15 a.m., Friday, April 4, 1975.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

TWENTY-SECOND DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, April 4, 1975.

The Senate was called to order at 10:15 a.m. by President Pro Tempore Henry. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senator Buffington, Francis, Grant, Keefe, Matson and Morrison. On motion of Senator Knoblauch, Senators Grant, Francis and Keefe were excused. On motion of Senator Lewis (R. H. "Bob"), Senators Buffington, Matson and Morrison were excused.

The Color Guard, consisting of Pages Shelley Schwinn and John Mardesich, presented the Colors. Reverend Glen D. Cole, pastor of Evergreen Christian Center of Olympia, offered the following prayer:

"OUR HEAVENLY FATHER, WE GIVE YOU THANKS FOR THE GREAT POWER THAT COMES TO US FROM YOU THROUGH JESUS CHRIST. YOU HAVE GIVEN US THE PRIVILEGE OF BEING MORE THAN MEN; WE CAN BE CHILDREN OF GOD THROUGH FAITH IN YOUR SON. AS A RESULT OF THIS UNION WE ARE GIVEN DOMINION AND THE POWER TO OVERCOME. WE BELIEVE IN THE ORDER THE PSALMIST PRESENTED WHEN HE SAID: 'COMMIT THY WAY UNTO THE LORD; TRUST ALSO IN HIM; AND HE SHALL BRING IT TO PASS.' IF WE UNDERSTAND THIS PROPERLY, HE WAS SAYING, THROUGH THE INSPIRATION OF THE HOLY SPIRIT, 'DO THE BEST YOU CAN WITH ANY SITUATION. DON'T FILL YOUR LIFE WITH TENSION. DON'T STRUGGLE SO HARD. DON'T GET YOURSELF WORKED UP. PUT IT COMPLETELY IN THE HANDS OF THE LORD. TRUSTING ABSOLUTELY IN HIM, AND HE WILL BRING IT TO PASS IN A RIGHT AND PROPER MANNER.' CAN WE APPLY THIS, LORD, TO THE WORK OF THIS LEGISLATIVE BODY? OUR REASON SEEMS TO ANSWER, 'YES!' HELP US TO ENTER TRULY INTO OUR INHERITANCE AND EXERCISE OUR POWER OF STANDING UP CREATIVELY TO ANY AND EVERY SITUATION. GUIDE TREMENDOUSLY THROUGH THE AFFAIRS OF THIS DAY. BLESS EVERY MEMBER OF THIS OUR STATE SENATE. THROUGH JESUS CHRIST OUR LORD WE PRAY: AMEN!"

MOTION

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

REPORTS OF STANDING COMMITTEES

April 2, 1975.

SENATE BILL NO. 2053, creating the Washington state association of sheriffs and police chiefs (reported by Committee on Local Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Fleming, Chairman; Jolly, McDermott, Talley, Walgren, Wilson.

Passed to Committee on Rules for second reading.

April 2, 1975.

SENATE BILL NO. 2370, providing for local economic development planning (reported by Committee on Local Government):

MAJORITY recommendation: That Substitute Senate Bill No. 2370 be substituted therefor and the substitute bill do pass and be referred to Committee on Ways and Means.

Signed by: Senators Fleming, Chairman; Jolly, McDermott, Sellar, Talley, Wilson.

Referred to Committee on Ways and Means.

April 3, 1975.

SENATE BILL NO. 2411, creating credit union share guaranty association (reported by Committee on Financial Institutions):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Woody, Chairman; Bluechel, Clarke, Jones, Walgren.

Passed to Committee on Rules for second reading.

April 3, 1975.

SENATE BILL NO. 2466, providing for deposit of retained percentage funds on public works contract in bank or savings accounts (reported by Committee on Financial Institutions):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Woody, Chairman; Bluechel, Clarke, Herr, Jones, Walgren.

Passed to Committee on Rules for second reading.

April 4, 1975.

SENATE BILL NO. 2740, changing date notice is to be given certain certificated employees of school districts and intermediate school districts that contract not to be renewed (reported by Committee on Education):

MAJORITY recommendation: Do pass.

Signed by: Senators Stortini, Chairman; Francis, Gould, Murray.

Passed to Committee on Rules for second reading.

April 3, 1975.

SENATE BILL NO. 2741, establishing conversion procedures for savings and loan associations and mutual savings banks (reported by Committee on Financial Institutions):

MAJORITY recommendation: Do pass.

Signed by: Senators Woody, Chairman; Bluechel, Clarke, Herr, Jones, Walgren.

Passed to Committee on Rules for second reading.

April 3, 1975.

ENGROSSED HOUSE BILL NO. 218, implementing law relating to the state employees insurance board, including authorizing an added charge to premium contributions (reported by Committee on Financial Institutions):

MAJORITY recommendation: Do pass.

Signed by: Senators Woody, Chairman; Bluechel, Herr, Jones.

Passed to Committee on Rules for second reading.

April 2, 1975.

HOUSE BILL NO. 431, permitting administration of medication to aged persons in boarding homes under certain circumstances (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; von Reichbauer, Vice Chairman; Buffington, Cunningham, Goltz, Gould, McDermott, North, Pullen, Van Hollebeke.

Passed to Committee on Rules for second reading.

April 2, 1975.

SUBSTITUTE HOUSE BILL NO. 651, making changes in the laws relating to chiropractic (reported by Committee on Social and Health Services.

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; von Reichbauer, Vice Chairman; Buffington, Cunningham, Gould, North, Pullen, Ridder.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENT

April 2, 1975

HAL H. HOWELL, to the position of Member of the Aeronautics Commission, appointed by the Governor on January 1, 1975 for the term ending December 31, 1979, succeeding himself (reported by the Committee on Transportation and Utilities):

MAJORITY recommends that said appointments be confirmed.

Signed by: Senators Walgren, Chairman; Beck, Benitz, Bluechel, Bottiger, Jolly, Knoblauch, Morrison, Peterson, Wanamaker.

MESSAGES FROM THE HOUSE

April 3, 1975.

Mr. President: The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 40,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 44,

SUBSTITUTE HOUSE BILL NO. 58,

HOUSE BILL NO. 284,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 308, and the same are herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

April 3, 1975.

Mr. President: The Speaker has signed SENATE BILL NO. 2203, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

INTRODUCTION AND FIRST READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 40, by Committee on Social and Health Services (originally sponsored by Representatives Eng, Adams, Parker, Ceccarelli and Maxie) (by Committee on Social and Health Services request):

Providing for health maintenance organizations.

Referred to Committee on Social and Health Services.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 44, by Judiciary Committee

(originally sponsored by Representatives Parker, Savage, Adams, Chatalas and Tilly) (by Committee on Social and Health Services request):

Relating to child abuse.

Referred to Committee on Social and Health Services.

SUBSTITUTE HOUSE BILL NO. 58, by Committee on Commerce (originally sponsored by Representatives Ehlers, Gallagher and Smith, "Rick"):

Requiring emergency exits for mobile homes.

Referred to Committee on Commerce.

HOUSE BILL NO. 284, by Representatives Hanna and Adams (by Department of Social and Health Services request):

Authorizing increased payment for juvenile probation supervision.

Referred to Committee on Social and Health Services

ENGROSSED SUBSTITUTE HOUSE BILL NO. 308, by Committee on Social and Health Services (originally sponsored by Representatives Parker, Newhouse, Fischer, Paris, Adams, Tilly, Fortson, Eng, Pardini, Cochrane, Conner, Bagnariol, Chatalas, May and Gallagher):

Prescribing educational and professional requirements for the profession of optometry.

Referred to Committee on Social and Health Services.

MOTION

On motion of Senator Mardesich, the Senate returned to the fourth order of business.

MESSAGE FROM THE HOUSE

April 2, 1975.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2096 with the following amendment:

On page 1, line 12, of the engrossed bill, being line 13 of the printed bill, after "instruction" strike all material down to and including "legislation." on line 18 of the engrossed bill, being line 19 of the printed bill, and insert "and the state auditor jointly, and in cooperation with the senate and house committees on education, to conduct appropriate studies and adopt classifications or revised classifications under RCW 28A.65.050, defining what expenditures shall be charged to each budget class including administration. Such studies and classifications shall be published in the form of a manual or revised manual, suitable for use by the governing bodies of school districts, by the superintendent of public instruction, and by the legislature.", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

Senator Lewis (Harry) moved that the Senate do concur in the House amendment to Engrossed Senate Bill No. 2096.

Debate ensued.

POINT OF INQUIRY

Senator Walgren: "Would Senator Stortini yield to a question please? Senator Stortini, I am sorry to hear of that distinction that the North Kitsap School District has. We have had difficulties in our school levies in the Kitsap area and I would like to know whether or not or what the record might be for surrounding school districts such as Central, Bremerton, or South Kitsap?"

Senator Stortini: "Yes, I mentioned North Kitsap at twenty-seven percent. Bremerton is only seven point eight percent of those that are spending less than two hours in the classroom. South Kitsap, right next door, is only fourteen point five percent; Central Kitsap is fourteen point five and South Kitsap is seventeen point five compared to that twenty-seven percent in North Kitsap."

The motion by Senator Lewis (Harry) carried and the Senate concurred in the House amendment to Engrossed Senate Bill No. 2096.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2096, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; excused, 6.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Clarke, Cunningham, Day, Donohue, Fleming, Goltz, Gould, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—43.

Excused: Senators Buffington, Francis, Grant, Keefe, Matson, Morrison—6.

ENGROSSED SENATE BILL NO. 2096, 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.

MESSAGE FROM THE HOUSE

April 3, 1975.

Mr. President: The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 2150 with the following amendments:

On page 7, line 25, after "number and" and before "percent" strike "fifty-one" and insert "sixty."

On page 13, line 7, after "number and" and before "percent" strike "fifty-one" and insert "sixty", and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

MOTION

On motion of Senator Jolly, the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 2150.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2150, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 43; excused, 6.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Clarke, Cunningham, Day, Donohue, Fleming, Goltz, Gould, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—43.

Excused: Senators Buffington, Francis, Grant, Keefe, Matson, Morrison—6.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2150, 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.

MOTION

On motion of Senator Mardesich, Substitute Senate Bill No. 2313 was ordered to hold its place on the second reading calendar for Monday, April 7, 1975.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 2424, by Committee on Ecology (originally sponsored by Senators Walgren, Washington and Lewis (R. H. "Bob")):

Coordinating public water supply system planning.

MOTIONS

On motion of Senator Day, the rules were suspended and Engrossed Substitute Senate Bill No. 2424 was returned to second reading.

On motion of Senator Washington, Engrossed Substitute Senate Bill No. 2424 was made a special order of business for 11:30 a.m. today.

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

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 87, by Committee on Agriculture (originally sponsored by Representatives Laughlin, Amen, Kilbury, Bauer, Bausch, Haussler, Jastad, Kalich and Zimmerman):

Revising regulations on control of noxious weeds.

REPORT OF STANDING COMMITTEE

March 7, 1975.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 87, revising regulations on control of noxious weeds (reported by Committee on Agriculture):

Recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and substitute the following:

"Section 1. Section 1, chapter 113, Laws of 1969 ex. sess. and RCW 17.10.010 are each amended to read as follows:

Unless a different meaning is plainly required by the context, the following words and phrases as hereinafter used in this chapter shall have the following meanings:

(1) "Noxious weed" means any plant growing in a county which is determined by the state noxious weed control board to be injurious to crops, livestock, or other property and which is included for purpose of control on such county's noxious weed list.

(2) "Person" means any individual, partnership, corporation, firm, the state or any department, agency, or subdivision thereof, or any other entity.

(3) "Owner" means the person in actual control of property, or *his agent*, whether such control is based on legal or equitable title or on any other interest entitling the holder to possession and, for purposes of liability, pursuant to RCW 17.10.170 or 17.10.210, means the possessor of legal or equitable title or the possessor of an easement: PROVIDED, That when the possessor of an easement has the right to control or limit the growth of vegetation within the boundaries of an easement, only the possessor of such easement shall be deemed, for the purpose of this chapter, an "owner" of the property within the boundaries of such easement.

(4) As pertains to the duty of an owner, the word "control" and the term "prevent the spread of noxious weeds" shall mean conforming to the standards of noxious weed control or prevention adopted by rule or regulation by an activated county noxious weed control board.

(5) "*Agent*" means any occupant or any other person acting for the owner and working or in charge of the land.

(6) "*Agricultural purposes*" are those which are intended to provide for the growth and harvest of food and fiber.

Sec. 2. Section 4, chapter 113, Laws of 1969 ex. sess. and RCW 17.10.040 are each amended to read as follows:

An inactive county noxious weed control board may be activated by any one of the following methods:

(1) Either [upon] *within sixty days after a petition is filed by one hundred land-*

owners each owning one acre or more of land within the county or, on its own motion, the [board of] county [commissioners] *legislative authority* shall hold a hearing to determine whether there is a need, due to a damaging infestation of noxious weeds, to activate the county noxious weed control board. If such a need is found to exist, then the [board of] county [commissioners;] *legislative authority* shall, in the manner provided by RCW 17.10.050, appoint five persons to hold seats on the county's noxious weed control board.

(2) If the county's noxious weed control board is not activated within one year following a hearing by the [board of] county [commissioners] *legislative authority* to determine the need for activation, then upon the filing with the state noxious weed control board of a petition comprised either of the signatures of at least two hundred owners, each owning one acre of land or more within the county, or of the signatures of a majority of an adjacent county's noxious weed control board, the state board shall, within six months of the date of such filing, hold a hearing in the county to determine the need for activation. If a need for activation is found to exist, then the state board shall order the [board of] county [commissioners] *legislative authority* to activate the county's noxious weed control board and to appoint members to such board in the manner provided by RCW 17.10.050.

Sec. 3. Section 5, chapter 113, Laws of 1969 ex. sess. as amended by section 1, chapter 143, Laws of 1974 ex. sess. and RCW 17.10.050 are each amended to read as follows:

(1) Each activated county noxious weed control board shall consist of five voting members who shall, at the board's inception, be appointed by the [board of] county [commissioners] *legislative authority* and elected thereafter by the property owners subject to the board. In appointing such voting members, the [board of] county [commissioners] *legislative authority* shall divide the county into five sections, none of which shall overlap and each of which shall be of the same approximate area, and shall appoint a voting member from each section. At least four of such voting members shall be engaged in the primary production of agricultural products. There shall be one nonvoting member on such board who shall be the chief county extension agent or [a county] *an* extension agent appointed by the chief county extension agent. Each voting member of the board shall serve a term of two years, except that the [board of] county [commissioners] *legislative authority* shall, when a board is first activated under this chapter, designate two voting members to serve terms of one year. The board members shall not receive a salary but shall be compensated for actual and necessary expenses incurred in the performance of their official duties.

(2) The elected members of the board shall represent the same districts designated by the county [commissioners] *legislative authority* in appointing members to the board at its inception. Members of the board shall be elected at least thirty days prior to the expiration of any board member's term of office.

The nomination and election of elected board members shall be conducted by the board at a public meeting held in the section where board memberships are about to expire. Elections at such meetings shall be by secret ballot, cast by the landowners residing in the section where an election for a board member is being conducted. The nominee receiving the majority of votes cast shall be deemed elected, and if there is only one nomination, said nominee shall be deemed elected unanimously.

Notice of such nomination and election meeting shall be mailed to all affected landowners thirty days prior to such meeting. Notice shall be published at least twice in a weekly or daily newspaper of general circulation in said section: PROVIDED, That mailed notice shall not be required if assessments provided for in [section 4 of this 1974 amendatory act] *RCW 17.10.240 as now or hereafter amended* are not invoked.

(3) Within thirty days after all the members have been appointed, the board shall conduct its first meeting. A majority of the voting members of the board shall constitute a quorum for the transaction of business and shall be necessary for any action taken by the board. The board shall elect from its members a chairman and such other officers as may be necessary.

(4) In case of a vacancy occurring in any elected position on a county noxious

weed control board, the county [commissioners] *legislative authority* of the county in which such board is located shall appoint a qualified person to fill the vacancy for the unexpired term.

Sec. 4. Section 7, chapter 113, Laws of 1969 ex. sess. and RCW 17.10.070 are each amended to read as follows:

In addition to the powers conferred on the state noxious weed control board under other provisions of this chapter, it shall have power to:

(1) Require the [board of] county [commissioners] *legislative authority* or the noxious weed control board of any county to report to it concerning the presence of noxious weeds and measures, if any, taken or planned for the control thereof;

(2) Employ a state weed supervisor who shall act as executive secretary of the board and who shall disseminate information relating to noxious weeds to county noxious weed control boards and who shall work to coordinate the efforts of the various county and regional noxious weed control boards;

(3) Do such things as may be necessary and incidental to the administration of its functions pursuant to this chapter.

Sec. 5. Section 8, chapter 113, Laws of 1969 ex. sess. and RCW 17.10.080 are each amended to read as follows:

The state noxious weed control board shall each year or more often, following a hearing, adopt a list comprising the names of those plants which it finds to be injurious to crops, livestock or other property. At such hearing any county noxious weed control board may request the inclusion of any plant to the list to be adopted by the state board.

Such list when adopted shall be designated as the "proposed noxious weed list", and the state board shall send a copy of the same to each activated county noxious weed control board, to each regional noxious weed control board, and to the [board of] county [commissioners] *legislative authority* of each county with an inactive noxious weed control board.

Sec. 6. Section 11, chapter 113, Laws of 1969 ex. sess. and RCW 17.10.110 are each amended to read as follows:

A regional noxious weed control board comprising the area of two or more counties may be created as follows:

Either each [board of] county [commissioners] *legislative authority* or each noxious weed control board of two or more counties may, upon a determination that the purpose of this chapter will be served by the creation of a regional noxious weed control board, adopt a resolution providing for a limited merger of the functions of their respective counties noxious weed control boards. Such resolution shall become effective only when a similar resolution is adopted by the other county or counties comprising the proposed regional board.

Sec. 7. Section 15, chapter 113, Laws of 1969 ex. sess. as amended by section 2, chapter 143, Laws of 1974 ex. sess. and RCW 17.10.150 are each amended to read as follows:

(1) The [board of] county [commissioners] *noxious weed control board* in each county may classify lands for the purposes of this chapter. In regard to any land which is classified by the county noxious weed control board as not being used for agricultural purposes, the owner thereof shall have the following limited duty to control noxious weeds present on such land:

(a) The owner shall control and prevent the spread of noxious weeds on any portion of such land which is within the buffer strip around land used for agricultural purposes. [For lands east of the crest of the Cascade mountain range,] The buffer strip shall be land which is within [two hundred] *one thousand* feet of land used for agricultural purposes. [For lands west of the crest of the Cascade mountain range, the buffer strip shall be land which is within one thousand feet of land used for agricultural purposes.]

(b) In any case of a serious infestation of a particular noxious weed, which infestation exists within the buffer strip of land described in paragraph (a) of subsection (1) of this section, and which extends beyond said buffer strip of land, the county noxious weed control board may require that the owner of such buffer strip of land take such measures, both within said buffer zone of land as well as on other land owned by said owner

contiguous to said buffer strip of land on which such serious infestation has spread, as are necessary to control and prevent the spread of such particular noxious weed.

For purposes of this subsection, land shall not be classified as or considered as being used for agricultural purposes when the sole reason for classifying or considering it as such is that it is being used for the growing, planting or harvesting of trees for timber.

(2) In regard to any land which is classified by the county noxious weed control board as scab or range land, the board may limit the duty of the owner thereof to control noxious weeds present on such land. The board may share the cost of controlling such weeds, may provide for a buffer strip around the perimeter of such land or may take any other reasonable measures to control noxious weeds on such land at an equitable cost to the owner. The board shall classify as range or scab land all that land within the county for which the board finds [to be of a relatively low value per acre, and on which] *that the cost of controlling all of the noxious weeds present would be disproportionately high when compared to the [value per acre of] benefits derived from noxious weed control on such land.*

Sec. 8. Section 17, chapter 113, Laws of 1969 ex. sess. as amended by section 3, chapter 143, Laws of 1974 ex. sess. and RCW 17.10.170 are each amended to read as follows:

(1) Whenever the county noxious weed control board finds that noxious weeds are present on any parcel of land, and that the owner thereof is not taking prompt and sufficient action to control the same, pursuant to the provisions of RCW 17.10.140, it shall notify such owner that a violation of this chapter exists. Such notice shall be in writing, identify the noxious weeds found to be present, order prompt control action, and specify the time within which the prescribed action must be taken.

(2) If the owner does not take action to control the noxious weeds in accordance with the notice, the county board [shall] *may* control them, or cause their being controlled, at the expense of the owner. The amount of such expense shall constitute a lien against the property and may be enforced by proceedings on such lien *except as provided for by RCW 79.44.060.* The owner shall be liable for payment of the expense, and nothing in this chapter shall be construed to prevent collection of any judgment on account thereof by any means available pursuant to law, in substitution for enforcement of the lien. *Funds received in payment for the expense of controlling noxious weeds shall be transferred to the county noxious weed control board to be expended as required to carry out the purposes of this chapter.*

(3) The county auditor shall record in his office any lien created under this [section] *chapter*, and any such lien shall bear interest at the rate of eight percent per annum from the date on which the county noxious weed control board approves the amount expended in controlling such weeds.

(4) As an alternative to the enforcement of any lien created under subsection (2) of this section, the [board of] county [commissioners] *legislative authority* may by resolution or ordinance require that each such lien created shall be collected by the treasurer in the same manner as a delinquent real property tax, if within thirty days from the date the owner is sent notice of the lien, including the amount thereof, the lien remains unpaid and an appeal has not been made pursuant to RCW 17.10.180. Liens treated as delinquent taxes shall bear interest at the same rate as delinquent real property taxes and such interest shall accrue as of the date notice of the lien is sent to the owner: **PROVIDED**, That any collections for such lien shall not be considered as tax.

Sec. 9. Section 19, chapter 113, Laws of 1969 ex. sess. and RCW 17.10.190 are each amended to read as follows:

Each activated county noxious weed control board shall cause to be published in at least one newspaper of general circulation within its area a general notice during the month of March and at such other times as may be appropriate. Such notice shall direct attention to the need for noxious weed control and shall give such other information with respect thereto as may be appropriate, or shall indicate where such information may be secured. In addition to the general notice required hereby, the county noxious weed control board may use [such] *any appropriate* media for the dissemination of in-

formation to the public as may be calculated to bring the need for noxious weed control to the attention of owners. The board may consult with individual owners concerning their problems of noxious weed control and may provide them with information and advice, including giving specific instructions and methods when and how certain named weeds are to be controlled. Such methods may include definite systems of tillage, cropping, management, and use of livestock. Publication of a notice as required by this section shall not be a condition precedent to the enforcement of this chapter.

Sec. 10. Section 24, chapter 113, Laws of 1969 ex. sess. and RCW 17.10.240 are each amended to read as follows:

(1) The activated county weed control boards of each county shall annually submit a budget to the [board of] county [commissioners] *legislative authority* for the operating cost of the county's weed program for the ensuing fiscal year. Control of weeds [are] *is a special benefit to the lands within any such district. The [board of] county [commissioners] legislative authority may, in lieu of a tax, levy an assessment against the land for this purpose. Prior to the levying of an assessment the county weed control board shall hold a public hearing at which it shall gather information to serve as a basis for classification and shall then classify the lands into suitable classification and shall then classify the lands into suitable classifications [, and assess]. The board shall develop and forward to the county legislative authority, as a proposed level of assessment for each class, such an amount as shall seem just, but which shall be uniform per acre in its respective class: PROVIDED, That if no special benefits should be found to accrue to a class of land, a zero assessment may be levied. The legislative authority, upon receipt of the proposed levels of assessment from the board, after a hearing, shall accept, modify, or refer back to the board for their reconsideration all or any portion of the proposed levels of assessment. The findings by the [board] county legislative authority of such special benefits, when so declared by resolution and spread upon the minutes of [the board] said authority shall be conclusive [that] as to whether or not the same [is of] constitutes a special benefit to the lands within the district.*

(2) In addition, the [board of] county [commissioners] *legislative authority* may appropriate money from the county general fund necessary for the administration of the county noxious weed control program. In addition the [board of] county [commissioners] *legislative authority* may make emergency appropriations as it deems necessary for the implementation of this chapter.

(3) *Neither the legislative authority of a county nor the county weed control board activated in a county shall expend money from the county general fund or assessments levied for the operation of such activated county weed control board on any lands within the boundaries of any Indian reservation unless the tribal council of such reservation contracts with the legislative authority of the county and its activated weed control board to carry out its program on such reservation lands: PROVIDED, That the fees charged any Indian reservation for services rendered by the weed control board in controlling weeds on Indian reservation lands shall be no less than the fees assessed land owners of similar lands within the county jurisdiction of such activated weed control board.*

Sec. 11. Section 25, chapter 113, Laws of 1969 ex. sess. and RCW 17.10.250 are each amended to read as follows:

The [board of county commissioners] *legislative authority* of any county with an activated noxious weed control board may apply to the state noxious weed control board for state financial aid in an amount not to exceed fifty percent of the locally funded portion of the annual operating cost of such noxious weed control board. Any such aid shall be expended from the general fund from such appropriation as the legislature may provide for this purpose.

Sec. 12. Section 26, chapter 113, Laws of 1969 ex. sess. and RCW 17.10.900 are each amended to read as follows:

Any weed district formed under chapter 17.04 or 17.06 RCW prior to the enactment of this chapter, shall continue to operate under the provisions of the chapter under which it was formed: PROVIDED, That if ten percent of the landowners subject to any such weed district, and the county weed board upon its own motion, petition the county

[commissioners] *legislative authority* for a dissolution of the weed district, the county [commissioners] *legislative authority* shall provide for an election to be conducted in the same manner as required for the election of directors under the provisions of chapter 17.04 RCW, to determine by majority vote of those casting votes, if such weed district shall continue to operate under the act it was formed. The land area of any dissolved weed district shall forthwith become subject to the provisions of this chapter.

NEW SECTION. Sec. 13. There is added to chapter 17.10 RCW a new section to read as follows:

Every activated county noxious weed board performing labor upon, furnishing material, or renting, leasing or otherwise supplying equipment, to be used in the control of noxious weeds, or in causing control of noxious weeds upon any property pursuant to the provisions of chapter 17.10 RCW has a lien upon such property for the labor performed, material furnished, or equipment supplied whether performed, furnished, or supplied with the consent of the owner, or his agent, of such property, or without the consent of said owner or agent.

NEW SECTION. Sec. 14. There is added to chapter 17.10 RCW a new section to read as follows:

Every county noxious weed control board furnishing labor, materials, or supplies or renting, leasing, or otherwise supplying equipment to be used in the control of noxious weeds upon any property pursuant to RCW 17.10.160 and 17.10.170 or pursuant to an order under RCW 17.10.210 as now or hereafter amended, shall give to the owner or reputed owner or his agent a notice in writing, within ninety days from the date of the cessation of the performance of such labor, the furnishing of such materials, or the supplying of such equipment, which notice shall cover the labor, material, supplies, or equipment furnished or leased, as well as all subsequent labor, materials, supplies, or equipment furnished or leased, stating in substance and effect that such county noxious weed control board is furnishing or has furnished labor, materials and supplies or equipment for use thereon, with the name of the county noxious weed board ordering the same, and that a lien may be claimed for all materials and supplies or equipment furnished by such county noxious control board for use thereon, which notice shall be given by mailing the same by registered or certified mail in an envelope addressed to the owner at his place of residence or reputed residence.

NEW SECTION. Sec. 15. There is added to chapter 17.10 RCW a new section to read as follows:

No lien created by section 13 of this 1975 amendatory act shall exist, and no action to enforce the same shall be maintained, unless within ninety days from the date of cessation of the performance of such labor, furnishing of materials, or the supplying of such equipment, a claim for such lien shall be filed for record as hereinafter provided, in the office of the county auditor of the county in which the property, or some part thereof to be affected thereby, is situated. Such claim shall state, as nearly as may be, the time of the commencement and cessation of performing the labor, furnishing the material, or supplying the equipment, the name of the county noxious weed control board which performed the labor, furnished the material, or supplied the equipment, a description of the property to be charged with the lien sufficient for identification, the name of the owner, or reputed owner if known, or his agent, and if the owner is not known, that fact shall be mentioned, the amount for which the lien is claimed, and shall be signed by the county noxious weed control board, and be verified by the oath of the county noxious weed control board, to the effect that the affiant believes that claim to be just; and such claim of lien may be amended in case of action brought to foreclose the same, by order of the court, as pleadings may be, insofar as the interest of third parties shall not be affected by such amendment. A claim or lien substantially in the same form provided by RCW 60.04.060 and not in conflict with this section shall be sufficient.

NEW SECTION. Sec. 16. There is added to chapter 17.10 RCW a new section to read as follows:

Open areas subject to the spread of noxious weeds, other than crop land, including but not limited to subdivisions, school grounds, playgrounds, cemeteries, parks, and rights of way shall be subject to regulation by activated county noxious weed control

boards in the same manner and to the same extent as is provided for agricultural lands.

NEW SECTION. Sec. 17. There is added to chapter 17.10 RCW a new section to read as follows:

The purpose of this chapter is to limit economic loss due to the presence and spread of noxious weeds on or near agricultural land.

The intent of the legislature is that this chapter be liberally construed, and that the jurisdiction, powers, and duties granted to the county noxious weed control boards by this chapter are limited only by specific provisions of this chapter or other state and federal law."

In the title, after "AN ACT", strike everything down to and including the period on line 16 and substitute: "Relating to control of noxious weeds; amending section 1, chapter 113, Laws of 1969 ex. sess. and RCW 17.10.010; amending section 4, chapter 113, Laws of 1969 ex. sess. and RCW 17.10.040; amending section 5, chapter 113, Laws of 1969 ex. sess. as amended by section 1, chapter 143, Laws of 1974 ex. sess. and RCW 17.10.050; amending section 7, chapter 113, Laws of 1969 ex. sess. and RCW 17.10.070; amending section 8, chapter 113, Laws of 1969 ex. sess. and RCW 17.10.080; amending section 11, chapter 113, Laws of 1969 ex. sess. and RCW 17.10.110; amending section 15, chapter 113, Laws of 1969 ex. sess. as amended by section 2, chapter 143, Laws of 1974 ex. sess. and RCW 17.10.150; amending section 17, chapter 113, Laws of 1969 ex. sess. as amended by section 3, chapter 143, Laws of 1974 ex. sess. and RCW 17.10.170; amending section 19, chapter 113, Laws of 1969 ex. sess. and RCW 17.10.190; amending section 24, chapter 113, Laws of 1969 ex. sess. and RCW 17.10.240; amending section 25, chapter 113, Laws of 1969 ex. sess. and RCW 17.10.250; amending section 26, chapter 113, Laws of 1969 ex. sess. and RCW 17.10.900; and adding new sections to chapter 17.10 RCW."

Signed by: Senators Jolly, Chairman; Benitz, Day, Sellar, Wilson.

The bill was read the second time by sections.

Senator Jolly moved adoption of the committee amendment.

On motion of Senator Woody, the following amendment to the committee amendment was adopted:

On page 12, line 12 of the committee amendment strike "cemeteries,"

The motion by Senator Jolly carried and the committee amendment, as amended, was adopted.

On motion of Senator Jolly, the committee amendment to the title was adopted.

MOTIONS

On motion of Senator Lewis (R. H. "Bob"), Senator Guess was excused.

On motion of Senator Jolly the rules were suspended, Engrossed Substitute House Bill No. 87, 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. 87, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; excused, 6.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Clarke, Cunningham, Day, Donohue, Fleming, Goltz, Gould, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—43. Excused: Senators Buffington, Francis, Grant, Guess, Matson, Morrison—6.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 87, 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 Mardesich, Senate Joint Resolution No. 114 was ordered placed at the end of today's second reading calendar.

SECOND READING

SENATE BILL NO. 2032, by Senators von Reichbauer and Gould:

Providing that renewal of school district superintendent's contracts be solely at the discretion of the employer school board.

The bill was read the second time by sections.

On motion of Senator Stortini, the rules were suspended, Senate Bill No. 2032 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Stortini: "Will Senator Gould yield to a question? Senator, if a superintendent was fired, would he still be entitled to a position in the district by virtue of the fact that he is a certified employee within the district?"

Senator Gould: "Yes, it is my understanding the bill does cover that. If, for instance, in a small school district where you have a teacher superintendent, he still retains his rights as a teacher but not his position as superintendent in the district. That is why I think it is protective of him in that position."

POINT OF INQUIRY

Senator Bailey: "Will Senator Gould yield? Is there a court ruling or something that after the contract is over that the school board has to maintain the man after the contract expires?"

Senator Gould: "You mean presently? This bill came out of the problem in Renton where the Renton School District did terminate their superintendent."

Senator Bailey: "At the end of the contract or in the middle?"

Senator Gould: "They terminated in the middle, it is my understanding, but the court also ruled that continuing contract law was in effect so that not only could they not terminate during the contract but they would also have to consider him on a continuing contract for rehire. It looks like I did not answer your question."

Senator Bailey: "It sounds like the court did not answer it."

Senator Gould: "I think it was a surprise to most school districts to realize that the superintendent was considered by the court under the continuing contract law. I think we have always felt that superintendents are under the regular contract law and if they are terminated during the contract, why then they have the process of due process and picking up the contract but not under the continuing contract."

Senator Bailey: "Senator Gould, is this a superior court or a Supreme Court decision?"

Senator Gould: "Superior court in King County."

Senator Bailey: "Was it appealed?"

Senator Gould: "I did not think so."

Debate ensued.

POINT OF INQUIRY

Senator Odegaard: "Would Senator Gould yield? Senator Gould, if a superintendent, let us say, has a three year contract, would this bill allow the school board then to terminate his or her contract before the three year date is up?"

Senator Gould: "This bill only related to the continuing part of the contract, not to the termination of a contract while it is in process. Would Senator von Reichbauer like to speak to this? You have a little more information on that."

Senator von Reichbauer: "Senator Gould, Mr. President and members of the Senate, to answer the question, it does speak only to the renewal of contracts. And I would say to Senator Bailey, who talked about local control, this is what this bill is aimed at."

The local representatives of the people are the board members, and this returns the power of the control of the district to the local board members, and those of you who believe in local control can easily accept this bill because this is in effect what it does. Should the district board members control the districts."

Further debate ensued.

MOTION

On motion of Senator Wilson, Senate Bill No. 2032 was ordered placed on the third reading calendar for Monday, April 7, 1975.

SECOND READING

SENATE BILL NO. 2453, by Senators Murray, Fleming, North and Bailey:
Granting criminal justice training commission power to lease facilities.

REPORT OF STANDING COMMITTEE

February 18, 1975.

SENATE BILL NO. 2453, granting criminal justice training commission power to lease facilities (reported by Committee on Local Government):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 30, after "lease" and before "a" insert "*for a period not to exceed three years*"

On page 2, line 3, after "purchase" and before "of" strike " [or lease]"

Signed by: Senators Fleming, Chairman; Jolly, McDermott, North, Sellar, Talley, Wilson.

The bill was read the second time by sections.

On motion of Senator Fleming, the committee amendment to page 1, line 30 was adopted.

Senator Fleming moved adoption of the committee amendment to page 2, line 3.

Debate ensued.

POINT OF INQUIRY

Senator Odegaard: "Would Senator Fleming yield? Senator Fleming, do you or Senator Murray know if Providence Heights is one of those being considered to be leased?"

Senator Fleming: "That is one of the questions, Senator Odegaard. They are leasing on a month to month basis right now Providence Heights, and the reason for the amendment was Senator Bailey wanted to make sure that they would not try to purchase Providence Heights or something of that nature. Now it is on a month to month basis and they are in the process of now trying to sell Providence Heights. If they sell Providence Heights, then the commission might be out on its ear so it has to look at other facilities, maybe such as Seattle U or some other places to try and lease, or maybe the Swept Wing Inn or something like that; and whatever lease they go into there will have to be improvements made to fit their use, and most people will not want to go into a month to month lease if they are going to have to make improvements on the place. And so that is the basis for it. Senator Murray might want to speak more to it."

Senator Bailey: "Senator Odegaard, I inquired into this. Providence Heights is not willing to lease for anything except a month to month basis, so it is very unlikely they would use Providence Heights. There is more of a chance that they would use a dormitory or something out at St. Martin's College and send the students to Centralia Community College or Olympic or something like that for their training, but there is very little likelihood that they would be able to lease Providence Heights. My concern was not against Providence Heights. My concern was against a board or a commission tying state money into them telling us where they are going to put it. I think that decision should be in the legislature. I also think it should be clear and I hope that is clear in the bill that this should not allow any lease-purchase agreements because that would certainly be a miscarriage of justice."

Senator Murray: "I think by the time I am through I will have finished my speech that I had prepared for third reading, but in answer to Senator Odegaard's question, I think there are two points. One, one of the problems that we might have has to do with what Senator Fleming just said; are we leasing now? And by my definition a month to month rent is not a lease, but we want to clarify that position. Number two, Providence Heights, specifically, is up for sale. They are not leasing, and by leasing I mean defining any right to possession of the property for more than thirty days to anyone because they want to be able to sell the property, with no encumbrances and no promises for the use of it, to whoever will be willing to purchase it. So they are not willing to sign a lease with anyone for any reason at the present time. So there is no intent to encumber the state and/or Providence Heights from the standpoint of a lease at Providence Heights. They are not interested and the present price that we are paying we are not interested either. From the standpoint of what the ultimate objective will be, this is to permit them to go to other facilities if and when they wish to, so that they can get a more favorable response, and specifically they are looking at a motel property close to the Seattle training academy where they might want to have facilities to use in conjunction with the Seattle training academy, but they need major changes in the physical structure. And if they do that, the landlord says, 'No, I will not do it unless you sign an extended lease,' up to three years, according to the terms of this bill."

REMARKS BY SENATOR DONOHUE

Senator Donohue: "Mr. President, in answer to your inquiry pertaining to LEA funds, I think probably that any LEA funds that would come in during the biennium, following the writing of the budget, would have to come before Legislative Budget Committee for authorization as unanticipated receipts, and at that time we could be sure that those moneys are not spent for some exotic lease program in some large installation. I think this whole issue, as you remember in Ways and Means, needs to be carefully looked at because of many other reasons also, and so I think that we have a handle on it in the budget and in LBC."

POINT OF INQUIRY

Senator Washington: "Would Senator Murray yield to a question? Maybe you covered this. I was off the floor on amendments to another bill. Is there any limitation on the length of time for the lease in this bill?"

Senator Murray: "The first amendment specifically specifies a three year maximum."

Senator Washington: "Thank you."

The motion by Senator Fleming carried and the committee amendment to page 2, line 3 was adopted.

On motion of Senator Fleming the rules were suspended, Engrossed Senate Bill No. 2453 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 Senate Bill No. 2453, and the bill passed the Senate by the following vote: Yeas, 43; nays, 1; excused, 5.

Voting yea: Senators Bailey, Beck, Bluechel, Bottiger, Clarke, Cunningham, Day, Donohue, Fleming, Goltz, Gould, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—43.

Voting nay: Senator Benitz—1.

Excused: Senators Buffington, Francis, Grant, Matson, Morrison—5.

ENGROSSED SENATE BILL NO. 2453, having received the 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. 2454, by Senators Murray, Fleming and Nørth:

Directing the criminal justice education board and commission to establish minimum standards for recruitment of criminal justice personnel.

POINT OF INQUIRY

Senator Bottiger: "Mr. President, before this bill is moved to second reading, I wonder if Senator Murray would yield to a question? Senator Murray, in a small community in a rural part of a county, we were able to find a retired military policeman who was missing a leg to serve for about two hundred dollars a month as a municipal policeman and I am concerned that this bill would authorize the commission to establish physical minimum standards that would prohibit a small community from doing something like that."

Senator Murray: "In response to your specific question, yes, it would. The intent of the bill is to permit the standards that have already been established by the Law Enforcement Training Board and adopted by the commission to apply on recruitment rather than at training. The specific reason for that is, at the present time the financing of the bill does not permit immediate training before actually commissioning an officer, so that we have men who have been issued a badge and a gun, who are serving as police officers, and yet do not meet the minimum standards for training that has been established as a statewide standard. You also have the problem of LEFF and its retirement benefits. We are trying to make everything consistent so the physical standards that are set by the board will be consistent for recruitment, for training, and for LEFF involvement in the pension system."

The bill was read the second time by sections.

On motion of Senator Murray, the rules were suspended, Senate Bill No. 2454 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: "I would like to ask Senator Murray a question? Senator Murray, when they established physical—most of our police and fire departments have had rules and regulations regarding recruitment in physical standards, but since that time we have established the laws giving the handicapped the privilege of engaging in any profession or any business that they are capable of. Do you anticipate that this proposed law change would conflict with that?"

Senator Murray: "Not to the extent that it would be required for the actual execution of the duties of a policeman or fireman, and we are talking about, specifically right now, law enforcement, so it is limited to policemen, so that the standards that are necessary for training and the physical standards that are necessary for the pension provisions of our LEFF program would also be consistent with the recruitment provisions of the man who can be hired by the local city authority, particularly the small town authority, and commissioned as a police officer has to meet the standards that are now set statewide for the training of a police officer. Now if you go back to the original intent of the bill and the original request for an appropriation, the intent of the bill at that time was that before a man was commissioned as a police officer, in other words, given a badge or a gun, he would go through this training. The request was for enough money so that the state in requiring that he have that training before he was commissioned would supply a substitute for that new trainee and would pay all the expenses of his training. Because the money was not sufficient that was granted in the bill, they now find that they do not train as fast as people are recruited, so that they have a man who has been recruited at the local level and has been on duty as a police officer for some months and then comes in for training and he does not meet the physical standards for training. So the problem is, they have to reject him and he has already been hired. The purpose of this bill, again, is to try to set the standard for recruitment at the local level at exactly the same standard that applies for training. It merely means that we have set that standard

back two or three months to the time the person is hired, rather than the time he comes in for training."

Debate ensued.

POINT OF INQUIRY

Senator Washington: "It seems to me that the answer that Senator Murray gave would be better in the form of a question rather than just in the form of a statement. Is it intended, Senator Murray, if you would yield, that the act apply to any other than police officers?"

Senator Murray: "This is specifically designed to solve the problem among all enforcement personnel."

Senator Washington: "And does not apply to deputy prosecuting attorneys?"

Senator Murray: "It does not apply to deputy prosecuting attorneys."

Senator Washington: "Thank you."

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2454, and the bill passed the Senate by the following vote: Yeas, 25; nays, 18; absent or not voting, 1; excused, 5.

Voting yea: Senators Bailey, Beck; Bluechel, Clarke, Fleming, Gould, Guess, Henry, Herr, Jones, Knoblauch, Lewis (Harry), Marsh, McDermott, Murray, Newschwander, North, Pullen, Ridder, Sandison, Scott, Talley, Walgren, Wanamaker, Washington—25.

Voting nay: Senators Benitz, Bottiger, Cunningham, Donohue, Goltz, Jolly, Keefe, Lewis (R. H. "Bob"), Mardesich, Odegaard, Peterson, Rasmussen, Sellar, Stortini, Van Hollebeke, von Reichbauer, Wilson, Woody—18.

Absent or not voting: Senator Day—1.

Excused: Senators Buffington, Francis, Grant, Matson, Morrison—5.

SENATE BILL NO. 2454, having received the 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. 2096.

MOTION

At 11:25 a.m., on motion of Senator Mardesich, the Senate recessed until 12:33 p.m.

AFTERNOON SESSION

President Pro Tempore Henry called the Senate to order at 12:33 p.m.

MOTION

At 12:35 p.m., on motion of Senator Mardesich, the Senate recessed until 1:30 p.m.

SECOND AFTERNOON SESSION

President Pro Tempore Henry called the Senate to order at 1:30 p.m.

MOTIONS

On motion of Senator Knoblauch, Senator Stortini was excused.

On motion of Senator Mardesich, Engrossed Substitute Senate Bill No. 2424 which was a special order of business for 11:30 a.m., today was ordered held on the second reading calendar for Monday, April 7, 1975.

SECOND READING

SENATE BILL NO. 2636, by Senators Donohue, Sellar, Sandison and Matson: Implementing law relating to construction of Washington State University tree fruit research center and financing thereof.

The bill was read the second time by sections.

On motion of Senator Donohue the rules were suspended, Senate Bill No. 2636 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. 2636 and the bill passed the Senate by the following vote: Yeas, 39; absent or not voting, 4; excused, 6.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Clarke, Cunningham, Day, Donohue, Fleming, Goltz, Gould, Guess, Henry, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Murray, Newschwander, North, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Scott, Sellar, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—39.

Absent or not voting: Senators Herr, Keefe, Pullen, Talley—4.

Excused: Senators Buffington, Francis, Grant, Matson, Morrison, Stortini—6.

SENATE BILL NO. 2636, having received the 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. 2150.

MOTIONS

On motion of Senator Knoblauch, Senator Herr was excused.

On motion of Senator Mardesich, Engrossed Senate Bill No. 2176 was ordered to hold its place on the third reading calendar for Monday, April 7, 1975.

SECOND READING

SENATE BILL NO. 2306, by Senators Day and Jones:

Revising the law relating to usury.

The bill was read the second time by sections.

On motion of Senator Woody, the following amendments were adopted.

On page 1, line 13, after "was" and before "for" strike "primarily" and insert "exclusively"

On page 1, line 16, after "amount," strike the remainder of the paragraph down through "fifty" on line 17 and insert "or to a commercial or business transaction exceeding fifty"

Senator Bottiger moved adoption of the following amendment:

Beginning on line 21, strike all of section 2.

The motion by Senator Bottiger failed and the amendment was not adopted on a rising vote.

On motion of Senator Woody, the rules were suspended, Engrossed Senate Bill No. 2306 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Bottiger: "Would Senator Woody yield to a question? Senator Woody, I understand the evils of the bank not actually lending the individual the full hundred thousand dollars and putting the money in some kind of contingency or call account, I am wondering now, with this bill as written, haven't we just said that you do not have to give them the full fifty thousand, you can only give them ten or five and hold the rest of it in the call account?"

Senator Woody: "I think in reading the MacLean case and reverting to the transaction language rather than using the old language where it said 'loans in the original principal amount,' I think by using the transaction theory we have plugged that loophole. And if you want to know what the intent is, the intent is that if the transaction, no matter how much the actual monetary amount given to the fellow is concerned, if that amount is less than fifty thousand dollars, then the interest charged could not be more than twelve percent."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2306 and the bill failed to pass the Senate by the following vote: Yeas, 20; nays, 22; excused, 7.

Voting yea: Senators Benitz, Bluechel, Clarke, Cunningham, Day, Donohue, Gould, Guess, Henry, Jones, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Murray, North, Pullen, Sellar, Walgren, Wanamaker, Woody—20.

Voting nay: Senators Bailey, Beck, Bottiger, Fleming, Goltz, Jolly, Keefe, Knoblauch, Marsh, McDermott, Newschwander, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Scott, Talley, Van Hollebeke, von Reichbauer, Washington, Wilson—22.

Excused: Senators Buffington, Francis, Grant, Herr, Matson, Morrison, Stortini—7.

ENGROSSED SENATE BILL NO. 2306, having failed to receive the constitutional majority, was declared lost.

NOTICE OF RECONSIDERATION

Having voted on the prevailing side, Senator Newschwander served notice that he would, on the next working day, move for reconsideration of the vote by which Engrossed Senate Bill No. 2306 failed to pass the Senate.

SECOND READING

SENATE BILL NO. 2416, by Senators Francis, Clarke and Fleming:
Changing requirements for foreclosing a deed of trust.

REPORT OF STANDING COMMITTEE

March 5, 1975.

SENATE BILL NO. 2416, changing requirements for foreclosing a deed of trust (reported by Judiciary Committee):

MAJORITY Recommendation: Do pass with the following amendments:

On page 4, line 30, after "section" and before "of" strike "3 (6) (h)" and insert "4 (1) (g)" and on line 33 after "section" and before "of" strike "3 (6)(h)" and insert "4 (1) (g)".

On page 5, lines 6, 14, and 19 after "section" and before "of" strike "3(6)(h)" and insert "4(1)(g)".

On page 5, line 23, strike all of subsection "(f)" and reletter the following subsections accordingly.

On page 5, lines 29, 30, and 32 after "section" and before "of" strike "3(6)(h)" and insert "4(1)(g)".

On page 6, line 19, strike "to the present" and on line 20 after "of" strike "_____ " and add "."

On page 6, line 23, after "of" add ": \$ _____ \$ _____ \$ _____" and strike all of line 24.

On page 6, line 26, after "of" add ": \$ _____ \$ _____ \$ _____" and strike all of line 27.

On page 8, line 13, after "under" and before "Assignment" strike "and" and insert "an".

On page 9, line 4, after "sale." strike all the matter down through "paid." on line 7.

On page 10, after line 25, add a new subsection to read as follows:

"(2) Cause a copy of the notice as provided in section 4(1)(g) of this 1975 amendatory act to be published in a legal newspaper in each county in which the property or any part thereof is situated, once weekly during the four weeks preceding the time of sale;" and renumber the following subsections accordingly, and correct the internal cross references to correspond.

On page 12, line 25, after "dwelling" strike "and the trustee is an attorney," and in line 26, after "trustee's fees" strike "and the attorney's fees".

Signed by: Senators Francis, Chairman; Buffington, Clarke, Fleming, Jones, Scott.

The bill was read the second time by sections.

On motion of Senator Marsh, the committee amendments were adopted.

On motion of Senator Marsh, the rules were suspended, Engrossed Senate Bill No. 2416 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: "Would Senator Clarke yield to a question? Senator Clarke, under the deed of trust, if a person is delinquent in his payments, immediately all payments come due. You went through the procedure now of giving him notice and you say you give him an additional ten days. Take the person now that is making his payments; he misses one payment. Immediately all the balance comes due and subject to whatever penalties are imposed by the lending organization. Is this correct?"

Senator Clarke: "I think that depends to an extent upon the type of instrument. I think, and again I should point out that I am not an expert in this particular field, it is my impression that the instrument may so provide, as indeed may a mortgage. I do not think that the bill before you makes any change whatsoever in that particular category."

Senator Rasmussen: "Could you identify any expert here on the floor that could fully acquaint us with what the deed of trust does? Any Senator here?"

Senator Clarke: "Not unless someone wants to volunteer, I think, however, that this is something that can be provided for in the instrument itself, that is that on a default the entire amount may be declared due. That is a common provision for a note and mortgage situation. Senator Bottiger, do you wish to respond?"

Senator Bottiger: "Senator Rasmussen, I know your son works in this area, as do I on occasion. The deed of trust differs from the mortgage on the reinstatement provisions because a mortgage generally has to be foreclosed in a regular court foreclosure procedure. A deed of trust is a simplified way. However, in at least two cases in Pierce County with no resistance from the lending institution, despite a letter claiming the entire amount and balance was due and payable, a tender was made of the back payment and the existing contract reinstated. Therefore, I do not believe there is any difference in that respect between the mortgage and the deed of trust. They do go through the formality of threatening you with the entire balance but I have never had them not take the back payments."

Senator Rasmussen: "Then the procedure is that your regular monthly payment comes due and within thirty days when you have not made that payment they serve you notice that all the full balance of the contract is due. plus the usual penalties."

Senator Bottiger: "They ask for attorney fees and foreclosure and title search and things of this nature, just as they do on the note that is the debt for the mortgage. They do the same thing there but the same practice, at least in Pierce County, exists where they will accept the back payments, usually up to three. If a person gets three payments behind and does not offer all three of them, then most lending institutions, because it is part of FHA financing, say you have got to make up all three payments or they declare the entire balance due."

Senator Rasmussen: "You have answered part of my question but in addition to that they have since put in that they will loan you the money but they will only loan it to you on a deed of trust, and then in the contract that they draw they also say that if you have an opportunity to sell your equity — suppose the person finds he cannot pay for his house and he says, 'I would like to sell my equity,' has a buyer, and so this same lending agency comes up to the person that cannot pay for his house and they say, 'Well, that is all right, you can sell it but immediately the new higher interest rate will come due. If you have a six percent rate you will have to pay the nine and one-half percent rate, so the person that is going to buy his equity walks out of the picture and the house is foreclosed in thirty days.'"

Senator Bottiger: "Senator Rasmussen, you are absolutely right. That question is in court right now in, I believe it is Cowlitz County. The board of realtors there have brought suit against the lending institutions, trying to declare that as against public policy. I do not know what the outcome of that suit is."

Senator Rasmussen: "... points out that the poor defenseless home buyer has very little recourse any more."

Senator Bottiger: "The deed of trust is an advantage to the lending institutions. This bill does not change that. It in fact is a little bit better for the homeowner."

Senator Rasmussen: "Thank you."
 Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Will Senator Clarke yield to a further question? Senator Clarke, on page 11, line 32, new material, 'The trustee may for any cause he deems advantageous postpone a sale for a period or periods not exceeding a total of thirty days by public proclamation at the time and place fixed in the notice of sale. No other notice of postponed sale need be given.' What is that related to? What does he do, just say out loud, 'I am postponing the sale?'"

Senator Clarke: "I think that that is to cover a situation which sometimes occurs in connection with a sale of this kind. The disadvantage of the situation is that the only bidder on the sale may, in effect, be the lender who simply bids it in for his balance. Now there can be a situation where by virtue of postponement a higher amount can be received and this in most instances is requested by and is of the interest of the borrower. He may find somebody or think he has somebody that can come in and offer more money. And of course any money that is over and above the amount of the debt plus costs goes to the borrower so that provision, I think, is quite beneficial to the borrower."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2416, and the bill passed the Senate by the following vote: Yeas, 39; nays 3; excused, 7.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Clarke, Cunningham, Day, Donohue, Fleming, Goltz, Gould, Guess, Henry, Jolly, Jones, Keefe, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, Walgren, Wanamaker, Washington, Wilson, Woody—39.

Voting nay: Senators Lewis (Harry), Rasmussen, von Reichbauer—3.

Excused: Senators Buffington, Francis, Grant, Herr, Matson, Morrison, Stortini—7.

ENGROSSED SENATE BILL NO. 2416, having received the 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 Mardesich, Senate Bill No. 2101 was ordered placed at the end of today's second reading calendar.

On motion of Senator Mardesich, Senate Bill No. 2197 was ordered placed on today's second reading calendar immediately following Senate Bill No. 2048.

On motion of Senator Mardesich, Engrossed Second Substitute Senate Bill No. 2048 was ordered to hold its place on the second reading calendar for Monday, April 7, 1975.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 104, by Senators Grant, Morrison and Ridder:

Providing task force to study problems related to employment in nursing homes.

MOTIONS

On motion of Senator Ridder, Substitute Senate Concurrent Resolution No. 104 was substituted for Senate Concurrent Resolution No. 104, and the substitute resolution was placed on second reading and read the second time in full.

Senator Lewis (Harry) moved the following amendments be considered and adopted simultaneously:

On page 1, line 19 strike "an Ad Hoc Task Force" and insert "a Joint Select Interim Committee"

On page 2, line 2 strike "with the concurrence of" and insert "and",

On page 2, line 4 beginning with "Task Force" strike all material down through "member" on line 14 and insert:

"Joint Select Interim Committee as follows: Six members from each legislative body, of whom three shall represent each caucus of each such body; members shall be chosen so that the committees on social and health services and the committees on ways and means of each such body shall be represented on the Joint Select Interim Committee;

BE IT FURTHER RESOLVED, That the committee shall, in its investigation of the areas committed to it for study, consult with state agencies, professional associations, labor organizations, owners, operators, and others concerned with nursing home care in the state."

On page 2, line 15 strike "Task Force" and insert "Joint Select Interim Committee"

MOTION

Senator Mardesich moved that Substitute Senate Concurrent Resolution No. 104, together with the amendments by Senator Lewis (Harry), be held for further consideration on Monday, April 7, 1975.

Debate ensued.

The motion by Senator Mardesich carried. Substitute Senate Concurrent Resolution No. 104 was placed on the second reading calendar for Monday, April 7, 1975.

SECOND READING

SENATE BILL NO. 2519, by Senators Goltz, Guess and Benitz:

Relating to the council on higher education.

MOTIONS

On motion of Senator Goltz, Substitute Senate Bill No. 2519 was substituted for Senate Bill No. 2519 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 and Guess:

On page 5, following section 4, add a new section as follows:

"NEW SECTION. Sec. 5. Section 5, chapter 277, Laws of 1969 ex. sess. and RCW 28B.80.050 are each hereby repealed."

Renumber the remaining sections consecutively.

Debate ensued.

POINT OF INQUIRY

Senator Wilson: "Would Senator Goltz yield please? In discussing the amendments we are discussing one of the most important aspects of the bill and I wonder if you would briefly summarize what the new board would consist of and how its makeup would differ from the present commission?"

Senator Goltz: "I hope I can answer that. The present membership on the council consists of nine citizen members and the new council will consist of nine citizen members, the difference being that the one citizen member designated in the bill as it has been before you is a student member. Previously there were four legislators; under the proposed bill there are no legislators. There were two members on the Governor's staff previously; now there will be one. There were six four-year public presidents before; now there would be one. There was one executive director of the State Board for Community College Education; he would still be there. There was one community college president; there would be no community college president. There were two private college presidents; there would now be one private college president. The Superintendent of Public Instruction appears on both councils, as does the director of the Coordinating Council for Occupational Education. There would not be a representative from a vocational-technical school but there would be a representative of post-secondary proprietary education remaining as there was before. So the membership was thirty; it is now sixteen. It was nine citizen members and would remain nine citizen members."

Further debate ensued.

POINT OF INQUIRY

Senator Odegaard: "Mr. President, if the Council on Higher Education members are strictly advisory, I would tend to go along with Senator Goltz. However, if the Council is also in the advocacy position, along with advisory, I think I would tend to go along with Senator Scott. And I am still not clear which the Council serves, whether it is advisory or whether they are the advocate, or they get in the policy decision making. Senator Scott, I wonder if you would yield and since you have been on the Council now for a while, of your experience, is the Council strictly advisory?"

Senator Scott: "According to statute, the two words 'advisory' and 'recommendatory' are the two words in the statute. What I am worried about here is the temptation that they may go more to an advocate role and the advocate role would arrive when the voting members, the institutional members, if they were given a vote, could forward their own proposals, in cooperation perhaps with a minority of the citizen members of the Council and then carry recommendations that were strictly institutionally oriented in their viewpoint, that the institutions were interested in. Contrarily, I think the Council should be an objective view, a citizen view mainly, on what is happening in higher education. This legislature has plenty of input, articulate input, from the institutional leaders and their representatives here, and the thing that the legislature was looking to, at least as the law was written in 1969, was more citizen review and recommendation."

Further debate ensued.

The motion by Senator Goltz failed and the amendment was not adopted.

Senator Odegaard moved adoption of the following amendment:

On page 4, beginning on line 24, after "instruction;" strike all the matter down through "governor;" on line 25 and insert "[two members of the governor's staff appointed by the governor;]"

Debate ensued.

The motion by Senator Odegaard failed and the amendment was not adopted.

There being no objection, the amendments by Senators Goltz and Guess to page 6, line 11; page 7, lines 7 and 9 on the Secretary's desk, were withdrawn.

On motion of Senator Sandison the rules were suspended, Senate Bill No. 2519 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. 2519, and the bill passed the Senate by the following vote: Yeas, 43; excused, 6.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Clarke, Cunningham, Day, Donohue, Fleming, Goltz, Gould, Guess, Henry, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—43.

Excused: Senators Buffington, Francis, Grant, Herr, Matson, Morrison—6.

SENATE BILL NO. 2519, having received the 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. 2197, by Senators Ridder, Newschwander and Grant:
Increasing the amount of the contractor's bond.

REPORT OF STANDING COMMITTEE

February 20, 1975.

SENATE BILL NO. 2197, increasing the amount of contractor's bond (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 12, after "sum of [two]" strike "six" and insert "four" and on line 14, before "thousand" strike "four" and insert "two" and on line 26 after "within" and before "from" strike "[one] three years" and insert "one year"

Signed by: Senators Francis, Chairman; Bottiger, Buffington, Clarke, Marsh, Scott. The bill was read the second time by sections.

Senator Marsh moved that the committee amendment not be adopted.

MOTIONS

On motion of Senator Woody, Senate Bill No. 2197 was ordered placed at the beginning of the second reading calendar for Monday, April 7, 1975.

On motion of Senator Mardesich, Senate Bill No. 2256 was ordered to hold its place on the second reading calendar for Monday, April 7, 1975.

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 2235, by Committee on Local Government (originally sponsored by Senators Talley, Jolly and Sellar):

Allowing certain public utility districts to acquire, construct, operate and add to sewage and sanitation systems.

MOTIONS

On motion of Senator Fleming, Second Substitute Senate Bill No. 2235 was substituted for Engrossed Substitute Senate Bill No. 2235 and the second substitute bill was placed on second reading and read the second time in full.

On motion of Senator Fleming, the rules were suspended, Second Substitute

Senate Bill No. 2235 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Wilson: "Would Senator Fleming yield? Senator Fleming, it just occurred to me that the original bill which did not provide for a vote of the residents of the PUD area did provide that the county legislative authority could say whether or not it wished the PUD to get into the sewer business, and that the purpose of that was to give somebody some element of coordination with respect to developments of this nature because there are several public bodies with the authority to get into the business. Even though this went through a committee on which I am a member, although we all recognize the committee as meeting about eighteen times a week and putting out a tremendous flow of legislation, I see that that provision does not appear in the second substitute and I wondered if there were a reason for that."

Senator Fleming: "Okay. Take it in two parts, Senator Wilson. First of all, if you are concerned about the county and the overall comprehensive efforts, if you will look in line 6 in the second substitute bill, whatever plans that are developed would have to be in compliance with the county comprehensive plan and goes under the general powers of such. So they will have that input. You have to be perfectly realistic and honest about the situation. There will be some counties that might like to have the county legislative authority indicating whether in fact they can do this or they cannot do this. The argument on the other side of that is that the public utility districts are a municipal corporation and they feel as though they have the same kind of status as a county but probably a little less of a size and they feel as though they are the ones and the people within the public utility districts are the ones who should decide whether in fact this should happen and not the people within the total county itself. So you will have that distinction and you will have that pro and con argument, but these are some of the reasons as to why it is drafted the way it is."

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 2235, and the bill passed the Senate by the following vote: Yeas, 40; nays, 3, excused, 6.

Voting yea: Senators Bailey, Beck, Benitz, Bottiger, Clarke, Cunningham, Day, Donohue, Fleming, Goltz, Gould, Guess, Henry, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Murray, Newschwander, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—40.

Voting nay: Senators Bluechel, North, Pullen—3.

Excused: Senators Buffington, Francis, Grant, Herr, Matson, Morrison—6.

SECOND SUBSTITUTE SENATE BILL NO. 2235, having received the 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 Rasmussen, the appointment of Albert L. Pasquan as a member of the Gambling Commission was confirmed.

APPOINTMENT OF ALBERT L. PASQUAN

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 41; absent or not voting, 2; excused, 6.

Voting yea: Senators Bailey, Beck, Bluechel, Clarke, Cunningham, Day, Donohue, Fleming, Goltz, Gould, Guess, Henry, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry),

Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—41.

Absent or not voting: Senators Benitz, Bottiger—2.

Excused: Senators Buffington, Francis, Grant, Herr, Matson, Morrison—6.

MOTION

On motion of Senator Rasmussen, the appointment of Michael Donohue as a member of the Gambling Commission was confirmed.

APPOINTMENT OF MICHAEL DONOHUE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 42; absent or not voting, 1; excused, 6.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Clarke, Cunningham, Day, Donohue, Fleming, Goltz, Gould, Guess, Henry, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—41.

Absent or not voting: Senator Bottiger—1.

Excused: Senators Buffington, Francis, Grant, Herr, Matson, Morrison—6.

MOTION

On motion of Senator Rasmussen, the appointment of Oliver C. Furseth as a member of the Gambling Commission was confirmed.

APPOINTMENT OF OLIVER C. FURSETH

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 43; excused, 6.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Clarke, Cunningham, Day, Donohue, Fleming, Goltz, Gould, Guess, Henry, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—43.

Excused: Senators Buffington, Francis, Grant, Herr, Matson, Morrison—6.

MOTION

On motion of Senator Mardesich, Senate Joint Resolution No. 114 was ordered to hold its place on the second reading calendar for Monday, April 7, 1975.

SECOND READING

SENATE BILL NO. 2101, by Senators Day and von Reichbauer:

Requiring a state hospital for treatment of sexual psychopaths on each side of the Cascade Range.

REPORT OF STANDING COMMITTEE

February 12, 1975.

SENATE BILL NO. 2101, requiring a state hospital for treatment of sexual psychopaths on each side of the Cascade Range (reported by Committee on Social and Health Services.

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 9, after "hospitals" strike the comma and after "Range" strike the comma

Signed by: Senators Day, Chairman; von Reichbauer, Vice Chairman; Cunningham, Francis, Goltz, Gould, North, Pullen, Ridder, Van Hollebeke.

The bill was read the second time by sections.

On motion of Senator Day, the committee amendment was adopted.

Senator Lewis (Harry) moved adoption of the following amendment:

On page 1, line 9, strike ", on each side of the Summit of the Cascade Range,"

Debate ensued.

The motion by Senator Lewis (Harry) carried and the amendment was adopted.

Senator Donohue moved adoption of the following amendment by Senators Donohue and Day:

On page 1, following line 29, add a new paragraph as follows:

"The provisions of this amendatory act shall not take effect until the funds necessary for its implementation have been specifically appropriated by the legislature and such appropriation itself has become law."

POINT OF INQUIRY

Senator Rasmussen: "Would Senator Donohue yield to a question? As I gathered from your statement on your amendment, which I can agree with your purpose, but in effect you are saying that the portions of this bill that it cannot become effective until you have reviewed the appropriation and what I am wondering is if they can do it without any extra expense, why not let the intent of the bill become effective?"

Senator Donohue: "Senator, in answer to your question, in the past when a bill such as this that has a sizable fiscal impact has reached the floor and has not been in Ways and Means, it has been just one thing that we have done to be sure that the appropriation process shall not be bypassed. Consequently, this amendment if it goes on there will insure that it will not become effective unless the money is there, and I do not know, Senator, whether they are going to be able to do this within that amount requested by the Governor or whether there will have to be additional funds. But I have assured Senator Day that we will look at this in our judgment and see that the money is there."

Senator Rasmussen: "Thank you."

The motion by Senator Donohue carried and the amendment was adopted.

On motion of Senator Lewis (Harry), the following amendment was adopted:

On page 1, following line 29, add the following new section:

"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 motion of Senator Lewis (Harry), the following amendment to the title was adopted:

On page 1, line 3 of the title, after "71.06.140" and before the period insert "; and declaring an emergency".

On motion of Senator Day, the rules were suspended, Engrossed Senate Bill No. 2101 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Newschwander: "I wonder if Senator Day will yield to a question? Senator Day, I am all for this bill because I live right in the midst of all these problems. I did have the reservations about sending some east and west because of the fiscal impact, but my question to you is that most of these people are sent there for a period of eighteen months or more for treatment, and the history of the escape deal out there, there have been a few escapes from the security building itself but most of them are during the treatment when after seven or eight months they give them ground privileges of an hour and later on two hours and later on three hours and then near the end of the treatment they let them go home for a weekend. And that is where most or the majority of the es-

capas take is during the treatment of trying to get them back into society. Now when we pass a measure like this and maximum security to keep these from escaping, are they going to be liable if one walks away during the treatment time in getting outside the hospital grounds, home on a weekend, mingling with society again, because the success of this program is gradually working them back into the civilian life and so I am wondering if we are tying their hands where they are really going to be locked up for the eighteen months or the two years or the three years until they just turn them loose all of a sudden. I think we are going to destroy the program if that happens."

Senator Day: "It is not our intent to destroy the program. However, I think that as long as they are in custody and they are released, based on judgment or based on a statute that says security, that we are liable; and I think that has been one of the problems. We were told in California that that is a myth that they cannot treat these people in a secure facility, that it can be done and that they can set up the program properly so that it can be done."

Senator Newschwander: "Just once more I want it understood that about nine out of ten of them run away when they are given their hour, two hour, three hour, or their weekend passes and so I just want it in the record that it is not our intention then to hold the institutions liable if that is the case."

Senator Day: "It is not our intention to do that but it is also our intention that they be handled in such a way that it does provide security for the people in the neighborhood."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2101, and the bill passed the Senate by the following vote: Yeas, 42; nays, 1; excused, 6.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Clarke, Cunningham, Day, Donohue, Fleming, Goltz, Gould, Guess, Henry, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—42. Voting nay: Senator Murray—1.

Excused: Senators Buffington, Francis, Grant, Herr, Matson, Morrison—6.

ENGROSSED SENATE BILL NO. 2101, having received the 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

April 4, 1975.

Mr. President: The Speaker has signed: SENATE BILL NO. 2096, and the same is herewith transmitted.

DEAN R. FOSTER

MOTION

At 3:35 p.m., on motion of Senator Mardesich, the Senate adjourned until 11:00 a.m., Monday, April 7, 1975.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

TWENTY-FIFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, April 7, 1975.

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 Cheryl Klindworth and Eric Young, presented the Colors. Reverend Herbert B. McLellan, Associate to the Rector of St. John's Episcopal Church of Olympia, offered the following prayer:

"WE COMMEND TO THEE, O LORD, ALL WHO ARE ENGAGED IN THE GOVERNMENT OF THIS STATE; REMEMBER THE MEMBERS OF THIS SENATE BODY; GRANT TO THEM INTEGRITY OF PURPOSE AND UNFAILING DEVOTION TO THE CAUSE OF RIGHTEOUSNESS. MAY ALL THEIR LEGISLATION BE SUCH AS WILL PROMOTE OUR WELFARE, TO THE SUCCOR OF THE POOR, THE RELIEF OF THE OPPRESSED, THE PUTTING DOWN OF ALL SOCIAL EVILS, AND THE REDRESS OF ALL SOCIAL WRONGS, TO THY GLORY AND THE GOOD EXAMPLE OF THY PEOPLE. THROUGH JESUS CHRIST OUR LORD. AMEN."

MOTION

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

REPORTS OF STANDING COMMITTEES

April 1, 1975.

SENATE BILL NO. 2007, establishing the death penalty for first degree murder (reported by Judiciary Committee):

MAJORITY recommendation: That Substitute Senate Bill No. 2007 be substituted therefor and the substitute bill do pass. Signed by: Senators Francis, Chairman; Buffington, Clarke, Jones, Marsh, Van Hollebeke.

MINORITY recommendation: That Substitute Senate Bill No. 2007 not be substituted therefor and the substitute bill do not pass.

Signed by: Senator Fleming.

Passed to Committee on Rules for second reading.

April 3, 1975.

SENATE BILL NO. 2278, providing sanctions for violation of nursing home standards; providing for inspections, reports, and provisional licensing (reported by Committee on Social and Health Services).

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; Buffington, Cunningham, Gould, McDermott, Pullen, Van Hollebeke.

Passed to Committee on Rules for second reading.

April 7, 1975.

SENATE BILL NO. 2492, providing for community mental health service areas (reported by Committee on Social and Health Services):

MAJORITY recommendation: That Substitute Senate Bill No. 2492 be substituted therefor and the substitute bill do pass.

Signed by: Senators Day, Chairman; Cunningham, Goltz, Gould, North, Pullen, Ridder, Van Hollebeke.

Passed to Committee on Rules for second reading.

April 3, 1975.

SENATE BILL NO. 2580, relating to geologic hazards (reported by Committee on Commerce):

MAJORITY recommendation: Do pass as amended and that the bill be referred to the Committee on Ways and Means.

Signed by: Van Hollebeke, Chairman; Morrison, Peterson, Ridder.

Referred to Committee on Ways and Means.

April 7, 1975.

SENATE BILL NO. 2638, amending distribution of drivers' license fees revenue (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass.

Signed by: Senators Walgren, Chairman; Henry, Vice Chairman; Beck, Bluechel, Bottiger, Guess, Jolly, Sellar, Wanamaker.

Passed to Committee on Rules for second reading.

April 3, 1975.

SENATE BILL NO. 2682, directing a study of the feasibility of establishing a school or osteopathic medicine and surgery (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass and that the bill be referred to Committee on Ways and Means.

Signed by: Senators Day, Chairman; Buffington, Goltz, Gould, North, Pullen, Van Hollebeke.

Referred to Committee on Ways and Means.

April 4, 1975.

SENATE BILL NO. 2730, prescribing requirements for humane treatment of animals (reported by Committee on Agriculture):

Recommendation: That Substitute Senate Bill No. 2730 be substituted therefor and the substitute bill do pass.

Signed by: Senators Jolly, Chairman; Benitz, Day, Sellar, Wilson.

Passed to Committee on Rules for second reading.

April 4, 1975.

SENATE BILL NO. 2736, making certain corrections and adjustments in the tax laws (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 2736 be substituted therefor and the substitute bill do pass.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Wilson, Second Vice Chairman; Bailey, Jones, Lewis (Harry), Mardesich, Marsh, Murray, Rasmussen, Washington.

Passed to Committee on Rules for second reading.

April 7, 1975.

SENATE BILL NO. 2954, making changes in the laws relating to forest practices (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass.

Signed by: Senators Peterson, Chairman; Beck, Lewis (Harry), Pullen, Rasmussen, Sandison, Talley.

Passed to Committee on Rules for second reading.

April 7, 1975.

SENATE BILL NO. 2957, increasing fees for driver's licenses (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass.

Signed by: Senators Walgren, Chairman; Henry, Vice Chairman; Beck, Bluechel, Bottiger, Guess, Jolly, Sellar, Wanamaker.

Passed to Committee on Rules for second reading.

April 4, 1975.

SUBSTITUTE HOUSE BILL NO. 249, making certain changes in the laws relating to vehicle tonnage fees (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass.

Signed by: Senator Walgren, Chairman; Henry, Vice Chairman; Beck, Bluechel, Bottiger, Jolly, Peterson, Sellar, Wanamaker.

Passed to Committee on Rules for second reading.

April 4, 1975.

HOUSE BILL NO. 357, permitting monthly license for certain types of dump trucks (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass.

Signed by: Senators Walgren, Chairman; Henry, Vice Chairman; Beck, Bluechel, Bottiger, Jolly, Peterson, Sellar, Wanamaker.

Passed to Committee on Rules for second reading.

April 4, 1975.

HOUSE BILL NO. 523, requiring counties to pay salary and expenses of stream patrolmen (reported by Committee on Agriculture):

Recommendation: Do pass as amended.

Signed by: Senators Jolly, Chairman; Benitz, Day, Sellar, Wilson.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE GOVERNOR

Office of the Governor, April 7, 1975.

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

LADIES AND GENTLEMEN:

I have the honor to advise that on April 5, 1975, Governor Evans approved the following Senate Bills, entitled:

SENATE BILL NO. 2026: Exempting inventory of sheltered workshops from property taxation.

SENATE BILL NO. 2058: Strengthening the Medical Disciplinary Act.

SENATE BILL NO. 2105: Enacting the uniform vehicle code.

SUBSTITUTE SENATE BILL NO. 2252: Designating state highway routes.

SENATE BILL NO. 2268: Directing the investment of current state funds.

Sincerely,
CHI-DOOH LI
Legal Counsel.

MOTION

On motion of Senator Mardesich, Senate Bill No. 2962 was ordered held for the Introduction and First Reading calendar for Friday, April 11, 1975.

APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence in the Senate Chamber of the Northwest Boys' Choir and appointed Senators Bailey, Mardesich, Newschwander and Lewis

(Harry) to escort the conductor, Jerome L. Wright, and the members of the group to the bar of the Senate.

With permission of the Senate, business was suspended to permit the choir to entertain the members of the Senate and visitors.

The committee of honor escorted the guests from the Senate Chamber and the committee was discharged.

SECOND READING

SENATE BILL NO. 2197, by Senators Ridder, Newschwander and Grant:
Increasing the amount of the contractor's bond.

The Senate resumed consideration of Senate Bill No. 2197. On Friday, April 4, 1975, Senator Marsh moved that the committee amendment not be adopted.

The motion by Senator Marsh carried and the committee amendment was not adopted.

On motion of Senator Guess, the following amendment was adopted:

On page 1, line 26, after "within" and before "from" strike "three years" and insert "one year".

On motion of Senator Guess, the following amendment by Senators Guess and Marsh was adopted:

On page 1, line 12, strike "six" and insert "three", and on line 14 strike "four" and insert "two".

Senator Bluechel moved adoption of the following amendment by Senators Bluechel and Guess:

On page 3, after line 12, insert a new section as follows:

"NEW SECTION. Sec. 2. Section 8, chapter 77, Laws of 1963 as last amended by section 3, chapter 118, Laws of 1972 ex. sess. and RCW 18.27.080 are hereby repealed.

POINT OF ORDER

Senator Francis: "Mr. President, I raise the point of order of this amendment being beyond the scope and object of the bill."

REMARKS BY SENATOR FRANCIS

Senator Francis: "Speaking to the point, the bill is a very simple bill, a very limited bill that does one thing and that is to raise the amount of bond that must be posted by a very small amount on these people who are registered. The amendment tries to go into the contractors registration act, change the penalties for noncompliance. It is an entirely separate matter from the bill and is beyond the scope and object."

Debate ensued.

MOTION

On motion of Senator Lewis (Harry), Senate Bill No. 2197, as amended, together with the Point of Order raised by Senator Francis on the amendment proposed by Senator Bluechel, was ordered held at the end of today's second reading calendar.

MOTION

On motion of Senator Francis, Senate Bill No. 2313 was ordered placed on today's second reading calendar following Senate Bill No. 2197.

THIRD READING

SENATE BILL NO. 2032, by Senators von Reichbauer and Gould:

Providing that renewal of school district superintendent's contracts be solely at the discretion of the employer school board.

MOTIONS

On motion of Senator von Reichbauer, the rules were suspended and Senate Bill No. 2032 was returned to second reading.

On motion of Senator Gould, the following amendment by Senators von Reichbauer and Gould was adopted:

On page 1, beginning with line 15 strike all the material down to and including the period on line 19 and insert:

"The right to renew a contract of employment with any school superintendent shall rest solely with the discretion of the school board employing such school superintendent. Regarding such renewal contracts of school superintendents the provisions of RCW 28A.58.450 through 28A.58.515, 28A.67.065, 28A.67.070, 28A.67.074 and 28A.88.010 shall be inapplicable."

On motion of Senator Stortini, the rules were suspended, Engrossed Senate Bill No. 2032 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Grant: "Would Senator von Reichbauer yield to a question? Senator von Reichbauer, just for purposes of legislative intent I suppose, would you respond to this question? Would it be permissible under the bill as it has been amended now to terminate or abrogate a contract during the term of the contract, or does the bill only apply to renewal of contracts?"

Senator von Reichbauer: "Senator Grant and members of the Senate, the bill only applies to renewal of contracts."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2032 and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—49.

ENGROSSED SENATE BILL NO. 2032, having received the 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. 2176, by Senators Bottiger, Morrison, Fleming, McDermott and Stortini (by Superintendent of Public Instruction request):

Mandating certain school districts to divide into director districts and providing for election of directors thereunder.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 2176.

Engrossed Senate Bill No. 2176 failed to pass the Senate on April 3, 1975 and the Senate moved at that time to reconsider the vote by which the bill failed to pass.

MOTION

Senator Lewis (Harry) moved that the rules be suspended and Engrossed Senate Bill No. 2176 be returned to second reading.

The motion by Senator Lewis (Harry) failed on a rising vote.

Debate ensued.

PERSONAL PRIVILEGE

Senator Bottiger: "Since my name was mentioned, I would remind Senator Newschwander that when the bill was introduced and the study made, the district I represented was South Tacoma."

Further debate ensued.

POINT OF INQUIRY

Senator Mardesich: "I wonder if one of the sponsors of the measure, Senator Bottiger, I guess is familiar with it, would yield to a question? Senator Bottiger, I gathered that what this does is allow the boundaries of a district to be changed by the school board and such change be approved by the county committee on school district organization. I am wondering if you do not get the director of elections in there, how are you going to be able to avoid splitting of precincts and what happens then, when they come to vote in the general election?"

Senator Bottiger: "Senator Mardesich, the bill provides that the school board shall draw the district boundary lines and that shall be submitted for review to avoid gerrymandering to the board on boundaries — okay, committee on school district organization. I am sure that they will follow precinct lines to avoid any problem. At least I know in the counties I am familiar with, the county auditor usually gets down and explains his problems and people will follow those."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2176, and the bill, on reconsideration, failed to pass the Senate by the following vote: Yeas, 24; nays, 25.

Voting yea: Senators Bailey, Beck, Bottiger, Cunningham, Fleming, Francis, Goltz, Grant, Henry, Herr, Knoblauch, Marsh, McDermott, Morrison, Odegaard, Peterson, Rasmussen, Ridder, Stortini, Van Hollebeke, von Reichbauer, Walgren, Washington, Woody—24.

Voting nay: Senators Benitz, Bluechel, Buffington, Clarke, Day, Donohue, Gould, Guess, Jolly, Jones, Keefe, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Matson, Murray, Newschwander, North, Pullen, Sandison, Scott, Sellar, Talley, Wanamaker, Wilson—25.

ENGROSSED SENATE BILL NO. 2176 having failed to receive the constitutional majority, was declared lost.

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

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 2424, by Committee on Ecology (originally sponsored by Senators Walgren, Washington and Lewis (R. H. "Bob")):

Coordinating public water supply system planning.

The Senate resumed consideration of Engrossed Substitute Senate Bill No. 2424. On April 3, 1975, the bill was amended and advanced to third reading. On April 4, 1975, the rules were suspended and Engrossed Substitute Senate Bill No. 2424 was returned to second reading.

On motion of Senator Day, the following amendment by Senators Day, Donohue, Goltz, Lewis (Harry) and Mardesich was adopted:

On page 2, line 7, after "systems" strike "serving a single family residence" and insert "that are owner operated and serving less than fifteen single family residences."

Senator Washington moved adoption of the following amendment:

On page 3, line 21, after "area" insert a period and strike the remainder of the subsection.

POINT OF INQUIRY

Senator Lewis (Harry): "Would Senator Washington yield? Senator Washington, on line 20 we have the word 'may' and I am wondering in the event that he does not develop a plan, each purveyor 'may.' Assume that he does not develop a plan, what would be the situation?"

Senator Washington: "His situation would be that over in Section 10, that if he did not develop the secretary would, after two years, after the establishment of the critical

area, if he did not establish a plan, then he would not be able to expand his system. He would be able to continue as he is and would be able to provide service connections; but he would not be able to expand his system."

Senator Lewis (Harry): "In reading Section 10, it says 'the secretary may deny proposals to establish or further expand any system within a critical regional area for which there is not an approved water supply plan.' So we say he may approve a plan. Your amendment would say that he may draw up a plan. If he does not, the secretary could then preclude him from presenting a proposal. I am wondering why it should not be 'shall' is what I am trying to get to. Why should it not be 'shall'? Should there not be public notification of the effect of this bill on the people of the state? That is what I am wondering."

Senator Washington: "You are going to have a two year period. First you are going to be establishing the critical region. That is going to take some time. Then after that critical region is established he has two years, and if he has not established a plan within two years, then he is going to be restricted to the area that he presently has. He will not be able to expand. I think that is a reasonable situation. He will be able to maintain his present system. Nobody is going to be able to come in and take it away from him, but he will not be able to expand out into other areas. If he wants to do that, then he has to comply with the plan."

The motion by Senator Washington carried and the amendment was adopted.

Senator Day moved adoption of the following amendment by Senators Day, Donohue, Goltz, Lewis (Harry) and Mardesich:

On page 3, line 21, after "area" insert ": PROVIDED, That no such plan shall include the fluoridation of water without the prior approval of a majority of the voters within such service area."

POINT OF INQUIRY

Senator Bailey: "Would Senator Day yield? Does not this truthfully go a lot further than that though, Senator, and say that where you used to be able to do this by resolution of the local board and they faced the consequences; you are just saying now the local board can no longer do it without a vote of the people?"

Senator Day, "I think, Senator, that is what has happened in the past anyway is that the people would referendum such action, but this just says that the people have a right to vote on whether they want something put in their water for purposes other than purification. That is really what you are talking about. You are talking about treating water for medicinal purposes. Although that may be beneficial and it may be desirable, I think that the people should have the right to make that determination."

Senator Bailey: "It depends on how you vote on it, Senator, I just wanted to point out to you we are going far beyond what you said you were going."

Senator Washington: "Mr. President, I had the same feeling when I first read the amendment, Senator Bailey, but what it provides, 'Provided that no such plan.' Now this plan, I have argued that this is not necessary because it is going to be a physical plan that will set up the size of pipes and this type of thing and there is no idea that they are going to require fluoridation. This merely assures people that they are not going to do that."

POINT OF INQUIRY

Senator Bailey: "Would Senator Day yield then? Senator Day, take the case of a district that has approved fluoridation and then the plan calls for extending the service into another area. Now what situation legally does this leave the additional people in insofar as approving fluoridation in a district that already has it?"

Senator Day: "I think that most of those districts you would find they have already had a vote and so they have complied with this section, in my opinion."

Senator Bailey: "Senator Day, is there any danger that your amendment though, it says you cannot apply this to anyone unless they have voted on it but then you have forced this district into another vote because of the additional people into the district. You are saying in the amendment that if you extend it into my area, then I have a right to vote on it before fluoridation comes in, and I just think that you have gummed up the works of some of those districts that already have gone through this battle."

Senator Day: "I think if they have it they are all right and it provides that the plan shall not include this unless it has prior approval. Now if it had prior approval by the voters, then it had prior approval and it does not gum up anything. So I think that what you are really asking me is, someone that mandated it without a vote of the people, that is possible that that could affect it, but this only applies to the plan and it says 'prior approval' and 'prior approval' that means just that to me."

Senator Bailey: "A further question of Senator Day. Would you object then to say 'prior approval of those in the prior district?'"

Senator Day: "What this says is, 'Provided that no such plan shall include the fluoridation of water without the prior approval,' that is preceding approval, 'of a majority of voters within such service area.' So the thing is, in my mind it would mean the additional service area. So what you are talking about, if you are talking about adding on to a regular water system, I think that is what you are referring to here. So I just do not think so and I just think that what this does is protect people that have not had a vote from them just mandating it in the system plan without a vote and that is what the intent of the amendment is."

MOTION

Senator Bailey moved that Substitute Senate Bill No. 2424, as amended, together with the amendment by Senators Day, Donohue, Goltz, Lewis (Harry) and Mardesich moved for adoption by Senator Day, be placed at the end of today's second reading calendar.

Debate ensued.

The motion by Senator Bailey carried and Substitute Senate Bill No. 2424, as amended, with the pending amendment was placed at the end of today's second reading calendar.

SECOND READING

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 2048, by Committee on Parks and Recreation (originally sponsored by Senators Knoblauch, Wanamaker, Bailey, Jones and Beck):

Revising laws on boating.

On March 3, 1975, Engrossed Second Substitute Senate Bill No. 2048 failed to pass the Senate. The Senate moved to reconsider the vote by which the bill failed. On that date, Engrossed Second Substitute Senate Bill No. 2048 was re-referred to the Committee on Parks and Recreation.

MOTION

On motion of Senator Knoblauch, Third Substitute Senate Bill No. 2048 was substituted for Engrossed Second Substitute Senate Bill No. 2048 and the third substitute bill was placed on second reading and read the second time in full.

Senator Rasmussen moved adoption of the following amendment:

On page 9, line 18 through line 12 on page 10, strike all of subsections (2) through (9) and substitute:

"(2) Vessels with propulsion machinery, two dollars.

(3) Any owner of more than one vessel with propulsion machinery shall pay two dollars for the first vessel and one dollar for each additional such vessel."

Renumber the two remaining subsections.

Debate ensued.

The motion by Senator Rasmussen failed and the amendment was not adopted on a rising vote.

Senator Rasmussen moved adoption of the following amendment:

On page 10, line 27, strike all of section 14 and renumber remaining sections consecutively.

POINT OF INQUIRY

Senator Bottiger: "Would Senator Wanamaker yield to a question? Senator Wana-

maker, I got a pass-out on the desk either here or back over at the office and I do not recall which, which would indicate that there was a positive financial impact. In other words, taking into consideration the inability of the assessors to collect this tax, these registration fees would bring in more money. Senator Rasmussen hits a note that was not covered by that memorandum and that is the loss of the inventory tax to local government. Is this section going to reach that result?"

Senator Wanamaker: "Well, this particular section, Senator Bottiger, which he is speaking to does not do that. What this is, if he is under a personal property tax and this goes into effect, then there would not be double taxation, by taking this, that he would not pay his 1975 tax. We had the same problem in the old camper bill that we put through here which a lot of us got into a lot of trouble, which they got a double taxation. What this does is eliminate that. Now what he is getting as is the dealers eliminating the inventory tax which is another question from this section is that they will be exempt, their inventory tax, as the years go over, but they will be paying a B and O tax which will cause a tax increase into the general fund."

POINT OF INQUIRY

Senator Wilson: "Will Senator Wanamaker yield? I am still a little confused on this point. I recognize that most county assessors in the state have given up trying to chase around boats in various carparks and hidden behind garages and so on, and that these boats are essentially tax exempt. With respect to boat dealers who have boats on display and in their warehouses for sale, are inventory taxes currently being levied on those boats?"

Senator Wanamaker: "They are but, as you remember, over a ten year period we are eliminating the inventory tax, and this would put them then under the B and O tax. So in all effect they will not be paying more but then there will be more coming in by them paying the B and O tax which will cause an increase into the general fund."

MOTION

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

MOTION FOR RECONSIDERATION

Having voted on the prevailing side and having served notice, Senator Newschwander moved that the Senate do now reconsider the vote by which Engrossed Senate Bill No. 2306 failed to pass the Senate.

POINT OF INQUIRY

Senator Bottiger: "Would Senator Newschwander yield to a question? Senator Newschwander, Friday I expressed concern about the emergency clause on this bill. I had an opportunity to read the Tacoma News Tribune editorial, the Association of Washington Business, all complaining about improper use of emergency clauses. Am I to understand that if we reconsider we will go back to second reading and take that off?"

Senator Newschwander: "I am willing to take it back to second reading and consider any amendment. There were several other amendments, I believe, that are going to be considered."

The motion for reconsideration carried.

MOTION

On motion of Senator Day, the rules were suspended and Engrossed Senate Bill No. 2306 was returned to second reading.

On motion of Senator Woody, the following amendments were adopted:

Beginning on line 21 of the printed bill, being line 20 of the engrossed bill. strike all of section 2.

Beginning on line 17 of the engrossed bill, being line 4 of the Woody amendment to line 16, after "*transaction*" and before "*exceeding*" insert "*not*"

On motion of Senator Woody, the following amendment to the title was adopted:

On line 3 of the title of both the printed and engrossed bills, after "19.52.080" strike "; and declaring an emergency"

Senator Day moved that the rules be suspended, Reengrossed Senate Bill No. 2306 be advanced to third reading, the second reading considered the third, and the bill be placed on final passage.

Debate ensued.

MOTION

On motion of Senator Grant, Reengrossed Senate Bill No. 2306 was ordered to hold its place on the second reading calendar for Tuesday, April 8, 1975.

MOTIONS

On motion of Senator Mardesich, all remaining bills on today's second reading calendar were ordered placed behind the bills on Tuesday, April 8, 1975 consent calendar.

At 12:42 p.m., on motion of Senator Mardesich, the Senate adjourned until 10:15 a.m., Tuesday, April 8, 1975.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

TWENTY-SIXTH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, April 8, 1975.

The Senate was called to order at 10:15 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 Sarah Wagar and Donald Talley, presented the Colors. Reverend Herbert B. McLellan, Associate to the Rector of St. John's Episcopal Church of Olympia, offered the following prayer:

"ALMIGHTY GOD, WE BESEECH THEE TO LOOK WITH FAVOR UPON OUR LAND AND PEOPLE, AND THIS SENATE CHAMBER. THOU HAST MADE US GREAT AMONG THE NATIONS OF THE EARTH. LET US NOT FORGET THAT THIS PLACE AND THIS POWER HAVE COME OF THEE, AND THAT WE HAVE THEM AS A TRUST TO USE IN THY SERVICE. SAVE US FROM PRIDE AND ARROGANCE; MAKE US QUICK TO SEE THE NEEDS OF THOSE LESS FORTUNATE THAN OURSELVES, AND TO BE RESOLUTE IN PURPOSE TO PROMOTE GOODWILL AND FELLOWSHIP AMONG ALL MEN; THROUGH JESUS CHRIST OUR LORD. AMEN."

MOTION

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

REPORTS OF STANDING COMMITTEES

April 7, 1975.

SENATE BILL NO. 2472, removing time limitation for benefit election for police retirement (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Fleming, Chairman; Jolly, North, Sellar, Talley.

Passed to Committee on Rules for second reading.

April 4, 1975.

SENATE BILL NO. 2910, increasing fee to county auditor appointed by the director to issue vehicle license plates (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass.

Signed by: Senators Walgren, Chairman; Henry, Vice Chairman; Beck, Jolly, Keefe, Peterson, Sellar, Stortini, Talley.

Passed to Committee on Rules for second reading.

April 7, 1975.

SUBSTITUTE HOUSE BILL NO. 340, providing for the acquisition and disposition of documents or materials by the museum of the University of Washington (reported by Committee on Higher Education):

Recommendation: Do pass.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Guess, Odegaard, Scott.

Passed to Committee on Rules for second reading.

April 7, 1975.

ENGROSSED HOUSE BILL NO. 544, clarifying the powers of joint operating agencies (power commission) (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass.

Signed by: Senators Walgren, Chairman; Henry, Vice Chairman; Beck, Benitz, Bluechel, Bottiger, Guess, Jolly, Knoblauch, Lewis (R. H. "Bob"), Morrison, Peterson, Sellar, Stortini, Wanamaker.

Passed to Committee on Rules for second reading.

April 7, 1975.

HOUSE BILL NO. 750, permitting libraries to pay in advance for books (reported by Committee on Higher Education):

Recommendation: Do pass.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Guess, Odegaard, Scott.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENTS

April 7, 1975.

LEE BUFFINGTON, to the position of Director of the Office of Program Planning and Fiscal Management, appointed by the Governor on December 21, 1974 for the term ending at the Governor's pleasure, succeeding Wallace G. Miller (reported by the Committee on Ways and Means):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Wilson, Second Vice Chairman; Fleming, Jones, Mardesich, Marsh, Murray, Rasmussen, Sandison, Scott, Washington, Woody.

Passed to Committee on Rules.

April 7, 1975.

MARY ELLEN McCAFFREE, to the position of Director of the Department of Revenue, appointed by the Governor on June 17, 1974 for the term ending at the Governor's pleasure, succeeding George Kinnear (reported by the Committee on Ways and Means):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Wilson, Second Vice Chairman; Fleming, Jones, Mardesich, Murray, Rasmussen, Sandison, Scott, Washington, Woody.

Passed to Committee on Rules.

MESSAGES FROM THE HOUSE

April 7, 1975.

Mr. President: The Speaker has signed SUBSTITUTE SENATE BILL NO. 2150, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

April 7, 1975.

Mr. President: The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 47,

ENGROSSED HOUSE BILL NO. 561,

SUBSTITUTE HOUSE BILL NO. 693,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 788,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 821,

ENGROSSED HOUSE BILL NO. 988, and the same are herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

April 8, 1975.

Mr. President: The House has receded from its amendment to page 1, line 9 to SENATE BILL NO. 2021, and has passed the bill without the amendment, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MESSAGE FROM THE HOUSE

April 8, 1975.

Mr. President: The House has adopted the report of the Conference Committee on SENATE BILL NO. 2079, and has granted said committee the powers of Free Conference.

DEAN R. FOSTER, Chief Clerk.

REPORT OF CONFERENCE COMMITTEE

April 4, 1975.

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred SENATE BILL NO. 2079, facilitating the refund of erroneously paid camper and trailer tax, have had the same under consideration and we cannot agree and request the powers of Free Conference in order to make the following changes:

The House recedes from the House amendments and adopts the following amendments:

On page 2, after section 2, add a new section as follows:

“NEW SECTION. Sec. 3. If any excise tax due hereunder is not paid when due and payable, the unpaid tax shall bear interest at the rate of six percent per annum from the time such tax is due and payable: PROVIDED, That the interest charge on the unpaid excise tax shall be waived when such interest is less than five dollars: AND PROVIDED FURTHER, The director may waive the interest on the unpaid excise tax when the interest exceeds five dollars and the Department of Motor Vehicles determines that the cost of processing the collection of the interest exceeds the amount of interest due.

The tax hereunder shall be a specific lien on the travel trailer or camper from and after the date it first becomes due hereunder, and shall include all charges authorized by this chapter, which lien shall have priority to and be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation or responsibility to or with which the travel trailer or camper may become charged or liable, after July 1, 1975, and no sale or transfer of any travel trailer or camper shall in any way affect the lien for such excise tax upon the travel trailer or camper.”

On line 3 of the title after “RCW 82.50.170;” strike the word “and”.

On line 4 of the title after “RCW 82.50.440” and before the period, insert “and amending section 62, chapter 299, Laws of 1971 ex. sess. and RCW 82.50.470”.

Signed by: Senators Beck, Henry and Guess; Representatives Hansen, Conner and Blair.

MOTION

On motion of Senator Mardesich, the report of the Conference Committee was adopted and the committee was granted the powers of Free Conference.

INTRODUCTION AND FIRST READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 47, by Committee on Transportation and Utilities (originally sponsored by Representative North):

Broadening definition of urban areas eligible for urban arterial funds.

Referred to Committee on Transportation and Utilities.

ENGROSSED HOUSE BILL NO. 561, by Representatives Bagnariol, Polk and McCormick:

Permitting wine and beer in specified amounts to be brought into the state from foreign countries without duty.

Referred to Committee on Commerce.

SUBSTITUTE HOUSE BILL NO. 693, by Committee on Local Government (originally sponsored by Representatives North, Berentson, Kalich and Fortson):

Requiring advertising public contracts in a newspaper in the part of the county where the work is to be done.

Referred to Committee on Local Government.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 788, by Committee on Social and Health Services (originally sponsored by Representatives Adams, Haley, Hanna, Becker, Newhouse, Hendricks, Tilly, Whiteside, Bauer, Jastad, May, Parker, Cochrane, Fischer, Paris and Greengo):

Prescribing changes in provisions relating to physicians and surgeons.

Referred to Committee on Social and Health Services.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 821, by Committee on Parks and Recreation (originally sponsored by Representatives Lee, Douthwaite, Hurley (Margaret), Maxie, Brown, Bender, Sherman, Charnley and Cochrane):

Authorizing hostels.

Referred to Committee on Parks and Recreation.

ENGROSSED HOUSE BILL NO. 988, by Representatives Thompson and Pardini:

Providing for presidential primaries.

Referred to Committee on Constitution and Elections.

MOTION

At 10:25 a.m., on motion of Senator Mardesich, the Senate recessed until 11:40 a.m.

SECOND MORNING SESSION

The President called the Senate to order at 11:40 a.m.

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 2021.

MOTION

On motion of Senator Lewis (R. H. "Bob"), Senator Jones was excused.

SECOND READING

SENATE BILL NO. 2077, by Senators Knoblauch, Wanamaker, Rasmussen and Goltz:

Fixing the compensation of jurors.

REPORT OF STANDING COMMITTEE

February 25, 1975.

SENATE BILL NO. 2077, fixing the compensation of jurors (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendment:

On line 14, after "at" and before "cents" strike "ten" and insert "thirteen" and on line 18, after "receive" and before "dollars" strike "four" and insert "ten".

Signed by: Senators Francis, Chairman; Buffington, Fleming, Jones, Scott, Woody.

The bill was read the second time by sections.

On motion of Senator Francis, the committee amendment was adopted.

On motion of Senator Francis, the rules were suspended, Engrossed Senate Bill No. 2077 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. 2077, and the bill passed the Senate by the following vote: Yeas, 48, excused, 1. Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Höllebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—48.

Excused: Senator Jones—1.

ENGROSSED SENATE BILL NO. 2077, having received the 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. 2109, by Senators Donohue and Walgren (by Department of Motor Vehicles request):

Requiring the deposit of application and inspection fees in the motor vehicle fund.

The bill was read the second time by sections.

On motion of Senator Walgren, the rules were suspended, Senate Bill No. 2109 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. 2109, and the bill passed the Senate by the following vote: Yeas, 48, excused, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—48.

Excused: Senator Jones—1.

SENATE BILL NO. 2109, having received the 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. 2114, by Senator Francis:

Authorizing the office of judicial officer in municipal courts of cities of more than five hundred thousand inhabitants.

The bill was read the second time by sections.

On motion of Senator Francis, the rules were suspended, Senate Bill No. 2114 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. 2114, and the bill passed the Senate by the following vote: Yeas, 48, excused, 1. Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—48.

Excused: Senator Jones—1.

SENATE BILL NO. 2114, having received the 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. 2123, by Senators von Reichbauer, Murray, Ridder and Washington (by Superintendent of Public Instruction request):

Authorizing cancellation of certain school district warrants after one year from their call or issue.

MOTIONS

On motion of Senator Stortini, Substitute Senate Bill No. 2123 was substituted for Senate Bill No. 2123, and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Stortini, the rules were suspended, Substitute Senate Bill No. 2123 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Gould: "Will Senator von Reichbauer yield to a question, please? Just for clarification, the bill was originally intended for school districts. I just want to make sure that the intent is that the definition of municipal corporations does include school districts."

Senator von Reichbauer: "That is correct."

Senator Gould: "Thank you."

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2123, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—49.

SUBSTITUTE SENATE BILL NO. 2123, having received the 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. 2143, by Senators Talley, Jolly and North:
Relating to contracts of first class cities.

REPORT OF STANDING COMMITTEE

April 1, 1975.

SENATE BILL NO. 2143, relating to contracts of first class cities (reported by Committee on Local Government):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 8, after "dollars" and before the period insert ": PROVIDED, That whenever this public work or improvement is for construction of water mains, such sum shall be fifteen thousand dollars: AND PROVIDED FURTHER, That the city itself may construct such public work or improvement if all bids received exceed, by ten percent, final cost estimates prepared by a consulting engineer, architect or other similarly qualified agent retained or employed for that purpose by the city. When any emergency shall require the immediate execution of such public work, upon the finding of the existence of such emergency by the authority having power to direct such public work to be done and duly entered of record, publication of description and estimate may be made within seven days after the commencement of the work".

On page 2, line 1, after "dollars" and before "shall" insert ", or fifteen thousand dollars for construction of water mains,".

Signed by: Senators Jolly, North, Sellar, Talley, Wilson.

The bill was read the second time by sections.

Senator Fleming moved adoption of the committee amendment to page 1.

MOTION

On motion of Senator Mardesich, Senate Bill No. 2143, together with the pending committee amendments, was ordered held on the second reading calendar for Wednesday, April 9, 1975.

SECOND READING

SENATE BILL NO. 2173, by Senators Francis, Clarke and Woody (by Judicial Council request):

Permitting annual conference of superior court judges to be held in Canada or an adjoining state.

REPORT OF STANDING COMMITTEE

February 7, 1975.

SENATE BILL NO. 2173, permitting annual conference of superior court judges to be held in Canada or an adjoining state (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendment:

On line 7, after "holding" strike "in this state" and insert "[in this state]".

Signed by: Senator Francis, Chairman; Buffington, Clarke, Fleming, Jones, Scott, Van Hollebeke.

The bill was read the second time by sections.

On motion of Senator Francis, the committee amendment was adopted.

On motion of Senator Woody, the following amendment was adopted:

On page 1, line 12, after "States or" and before "province" insert "adjoining".

On motion of Senator Francis, the rules were suspended, Engrossed Senate Bill No. 2173 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. 2173, and the bill passed the Senate by the following vote: Yeas, 43; nays, 5; absent or not voting, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, North, Peterson, Pullen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Woody—43.

Voting nay: Senators Guess, Newschwander, Odegaard, Rasmussen, Wilson—5.

Absent or not voting: Senator Murray—1.

ENGROSSED SENATE BILL NO. 2173, having received the 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 Mardesich, Senate Bill No. 2240 was ordered placed at the end of today's second reading calendar.

SECOND READING

SENATE BILL NO. 2310, by Senator Woody:

Providing for paying savings and loan accounts to foreign executors in the same manner as for other banks.

The bill was read the second time by sections.

On motion of Senator Woody, the rules were suspended, Senate Bill No. 2310 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. 2310, and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; absent or not voting, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—47.

Voting nay: Senator Grant—1.

Absent or not voting: Senator Murray—1.

SENATE BILL NO. 2310, having received the 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. 2317, by Senator Lewis (R. H. "Bob"):

Requiring explanatory statement on voters' pamphlet.

REPORT OF STANDING COMMITTEE

March 17, 1975.

SENATE BILL NO. 2317, requiring explanatory statement on voters' pamphlet (reported by Committee on Constitution and Elections):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 25, after "*this*" and before "*on*" strike "*issued*" and insert "*issue*".

Signed by: Senators Beck, Chairman; Lewis (R. H. "Bob"), Pullen, Stortini, Washington.

The bill was read the second time by sections.

On motion of Senator Beck, the committee amendment was adopted.

On motion of Senator Pullen, the following amendments by Senators Pullen and Lewis (R. H. "Bob") were adopted:

On page 1, line 24, strike "*were*" and insert "*may have been*".

On page 1, line 25, strike "*do*" and insert "*may*".

On motion of Senator Beck, the rules were suspended, Engrossed Senate Bill No. 2317 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 Francis: "Will Senator Bob Lewis yield? Senator Lewis, I am just wondering here, the language preceding the new language says, 'The total number of votes cast for and against the measure in both the Senate and House, if the measure has been passed by the legislature.' It says, 'total number of votes.' It sounds to me like that just means total for and total against and no names but there is something in this underlined language that seems to me to at least imply that — both are by respective members, that they are somewhere or another listed by members and I am wondering if you have any knowledge of any time when the names of who voted for and the names of who voted against were listed in the Voters' Pamphlet?"

Senator Lewis (R. H. "Bob"): "No, they are not, to my knowledge. They are just numbers that are reflected, that is true, so I do not think that reflects on the individual; but I think with the sense of the way this is going it may be less than a perfect bill and I would, with the consent of the body, be ready to move it back to committee."

Senator Francis: "Thank you. I would not make such a motion myself, but would like to conclude my remarks by saying that I would have some reluctance to vote for the bill myself."

Senator Lewis (R. H. "Bob"): "I have sensed that exists in the body and rather than just stand here and be crucified forty-eight to one, I would just as soon let it go back to the committee."

MOTION

Senator Lewis (R. H. "Bob") moved that Engrossed Senate Bill No. 2317 be re-referred to the Committee on Constitution and Elections.

Debate ensued.

The motion by Senator Lewis (R. H. "Bob") failed.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 2317.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2317, and the bill failed to pass the Senate by the following vote: Yeas, 13; nays, 36.

Voting yea: Senators Beck, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Matson, Morrison, Murray, Newschwander, Odegaard, Peterson, Pullen, Sellar, Talley—13.

Voting nay: Senators Bailey, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Marsh, McDermott, North, Rasmussen, Ridder, Sandison, Scott, Stortini, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—36.

ENGROSSED SENATE BILL NO. 2317, having failed to receive the constitutional majority, was declared lost.

MOTION

On motion of Senator Mardesich, Senate Bill No. 2322 and Senate Bill No. 2332 were ordered placed at the end of today's second reading calendar in that order.

SECOND READING

SENATE BILL NO. 2334, by Senators Francis, Bottiger, Woody and Clarke: Amending the laws relating to corporations.

REPORT OF STANDING COMMITTEE

February 14, 1975.

SENATE BILL NO. 2334, amending the laws relating to corporations (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendments:

On page 4, following section 4, add a new section to read as follows:

"Sec. 5. Section 16, chapter 53, Laws of 1965 and RCW 23A.08.130 are each amended to read as follows:

(1) If the articles of incorporation so provide, the shares of any preferred or special class may be divided into and issued in series. If the shares of any such class are to be issued in series, then each series shall be so designated as to distinguish the shares thereof from the shares of all other series and classes. Any or all of the series of any such class and the variations in the relative rights and preferences as between different series may be fixed and determined by the articles of incorporation, but all shares of the same class shall be identical except as to the following relative rights and preferences, as to which there may be variations between different series:

(a) The rate of dividend.

(b) Whether shares may be redeemed and, if so, the redemption price and the terms and conditions of redemption.

(c) The amount payable upon shares in event of voluntary and involuntary liquidation.

(d) Sinking fund provisions, if any, for the redemption or purchase of shares.

(e) The terms and conditions, if any, on which shares may be converted.

(f) *Voting rights, if any.*

(2) If the articles of incorporation shall expressly vest authority in the board of directors, then, to the extent that the articles of incorporation shall not have established series and fixed and determined the variations in the relative rights and preferences as between series, the board of directors shall have authority to divide any or all of such classes into series and, within the limitations set forth in this section and in the articles of incorporation, fix and determine the relative rights and preferences of the shares of any series so established.

(3) In order for the board of directors to establish a series, where authority so to do is contained in the articles of incorporation, the board of directors shall adopt a resolution setting forth the designation of the series and fixing and determining the relative rights and preferences thereof, or so much thereof as shall not be fixed and determined by the articles of incorporation.

(4) Prior to the issue of any shares of a series established by resolution adopted by the board of directors, the corporation shall file and execute in the manner hereinafter provided a statement setting forth:

(a) The name of the corporation.

(b) A copy of the resolution establishing and designating the series, and fixing and determining the relative rights and preferences thereof.

(c) The date of adoption of such resolution.

(d) That such resolution was duly adopted by the board of directors.

(5) Such statement shall be executed in triplicate by the corporation by its president or a vice-president and by its secretary or an assistant secretary, and verified by one of the officers signing such statement, and shall be delivered to the secretary of state. If the secretary of state finds that such statement conforms to law, he shall, when all fees have been paid as in this title prescribed:

(a) Endorse on each of such triplicate originals the word "filed," and the month, day, and year of the filing thereof.

(b) File one of such originals in his office.

(c) Return the other two such originals to the corporation or its representative.

(6) One of such other originals shall then be filed in the office of the auditor of the county in which the registered office of the corporation is located and the other shall be retained by the corporation.

(7) Upon the filing of such statement by the secretary of state, the resolution establishing and designating the series and fixing and determining the relative rights and preferences thereof shall become effective and shall constitute an amendment of the articles of incorporation."

In line 5 of the title after "RCW 23A.08.410;" strike "and" and in line 6 of the title

after "RCW 23A.08.470" insert "; and amending section 16, chapter 53, Laws of 1965 and RCW 23A.08.130".

Signed by: Senators Francis, Chairman; Buffington, Clarke, Fleming, Jones, Marsh, Scott, Woody.

The bill was read the second time by sections.

On motion of Senator Francis, the committee amendment was adopted.

On motion of Senator Francis, the committee amendment to the title was adopted.

On motion of Senator Francis, the rules were suspended, Engrossed Senate Bill No. 2334 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. 2334, and the bill passed the Senate by the following vote: Yeas, 48; nays, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—48.

Voting nay: Senator Cunningham—1.

ENGROSSED SENATE BILL NO. 2334, having received the 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. 2341, by Senators Bottiger, Beck and Matson (by Utilities and Transportation Commission request):

Making certain changes in the laws relating to public service companies.

REPORT OF STANDING COMMITTEE

February 28, 1975.

SENATE BILL NO. 2341, making certain changes in the laws relating to public service companies (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 20, after "of]" and before "one" insert *nine-tenths of*".

Signed by: Senators Walgren, Chairman; Henry, Vice Chairman; Beck, Benitz, Bluechel, Bottiger, Jolly, Knoblauch, Morrison, Wanamaker.

The bill was read the second time by sections.

On motion of Senator Walgren, the committee amendment was adopted.

On motion of Senator Walgren, the rules were suspended, Engrossed Senate Bill No. 2341 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. 2341, and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; absent or not voting, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—47.

Voting nay: Senator Francis—1.

Absent or not voting: Senator Lewis (Harry)—1.

ENGROSSED SENATE BILL NO. 2341, having received the 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 Mardesich, Senate Bill No. 2346 will be considered following Senate Bill No. 2348.

SECOND READING

SENATE BILL NO. 2348, by Senators Walgren, Guess, Knoblauch and Beck:

Requiring cities, towns, and counties to report to director of highways on plans for bicycle, pedestrian, and equestrian expenditures.

REPORT OF STANDING COMMITTEE

March 28, 1975.

SENATE BILL NO. 2348, requiring cities, towns, and counties to report to director of highways on plans for bicycle, pedestrian, and equestrian expenditures (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, line 15, after the comma strike "1975" and insert "1976".

On page 3, line 24, after the comma strike "1975" and insert "1976".

Signed by: Senators Walgren, Chairman; Beck, Bottiger, Guess, Jolly, Knoblauch, Morrison, Sellar, Talley.

The bill was read the second time by sections.

On motion of Senator Walgren, the committee amendments were adopted.

On motion of Senator Walgren, the rules were suspended, Engrossed Senate Bill No. 2348 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. 2348, and the bill passed the Senate by the following vote: Yeas, 48; absent or not voting, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—48.

Absent or not voting: Senator Lewis (Harry)—1.

ENGROSSED SENATE BILL NO. 2348, having received the 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. 2346, by Senators Matson and Donohue (by Superintendent of Public Instruction request):

Changing requirements relating to sale of real property by school districts.

REPORT OF STANDING COMMITTEE

March 27, 1975.

SENATE BILL NO. 2346, changing requirements relating to sale of real property by school districts (reported by Committee on Education):

MAJORITY recommendation: Do pass with the following amendment:

On page 2, line 2 after "value" and before the period insert ": PROVIDED, That if the property has been on the market for three years or more the property may be sold for 75% of appraised value with the unanimous consent of the board".

Signed by: Senators Stortini, Chairman; Francis, Gould, McDermott, Murray, Newschwander.

The bill was read the second time by sections.

On motion of Senator Stortini, the committee amendment was adopted.

MOTION

On motion of Senator Mardesich, the amendments by Senator Woody will be considered simultaneously.

Senator Woody moved adoption of the following amendments:

On page 2, line 15, after "district" insert "under the approved value of thirty-five thousand dollars".

On page 2, line 22, after "district" insert "under the approved value of thirty-five thousand dollars".

POINT OF INQUIRY

Senator Cunningham: "Would Senator Woody yield to a question? I am not sure I even understand this well enough to ask the question, but my concern is for school districts that have received the voter authorization to dispose of surplus property, maybe six or ten acres, whether this amendment will preclude them, in the event they are unable at a public auction to sell the property, to then go and negotiate a private sale still within the appraisal guidelines and in turn carry a real estate contract?"

Senator Woody: "It would not, even with this amendment on. The value of the property is over thirty-five thousand dollars and the board had submitted that to the voters for the approval of a sale and the voters have approved it, then they can sell by contract terms or through a brokerage."

Senator Cunningham: "Thank you."

The motion by Senator Woody carried and the amendments were adopted.

POINT OF INQUIRY

Senator Mardesich: "I wonder if Senator Gould would yield to a question? Or Senator Stortini. They are both familiar with the subject. Is it possible for a school district having a plot of land, say, of ten acres, to dispose of that in pieces of thirty-five thousand value or less under this bill?"

Senator Gould: "That certainly is not the intention. I could not speak whether it was legally possible. You would have to have a determination of that by a lawyer."

Senator Mardesich: "You did state it was not the intention of this bill?"

Senator Gould: "No, it is not the intention of the bill to divide up property."

Senator Stortini: "I do not know of any district that has done that, and yet on the other hand, as was stated, this is not the intent of the bill and I would think that that would be subject to local planning before that would happen."

Senator Bailey: "Mr. President, I think Senator Mardesich's concern is that a school district could take a one hundred thousand dollar parcel of property and divide it into three units so that they could evade the public law and the public auction law or sales by making it thirty-three thousand dollars per unit. While it may not be the intent, I certainly think it leaves the gate wide open for circumventing the protection the public has had in school board transactions or any other public land transactions."

Further debate ensued.

MOTION

On motion of Senator Mardesich, Senate Bill No. 2346, as amended, was ordered placed at the end of today's second reading calendar.

SECOND READING

SENATE BILL NO. 2367, by Senators Bottiger, Beck and Matson (by Utilities and Transportation Commission request):

Making certain changes in the laws relating to transportation.

The bill was read the second time by sections.

Senator Bluechel moved adoption of the following amendment by Senators Bluechel, Peterson and Benitz:

On page 1, beginning on line 18, strike all of section 2.

Debate ensued.

POINT OF INQUIRY

Senator Bailey: "Would Senator Washington or Senator Bluechel yield? Senator Washington, I guess I am dense on this, but you said we were opening up a new method now. We are cracking the ice. We are going to make a step forward in this direction. How do you take a step forward when you do not repeal, you just strike from the bill this section? Doesn't it leave the present law in the status quo?"

Senator Washington: "It seems, as I understand it, that it does open up so that there can be back haul. It also would allow, as I understand it, now maybe I am wrong, California — I hope it does."

Senator Bailey: "Mr. President, the point I am trying to get at is that it repealed a different chapter entirely of the first part of the bill and therefore, it would seem to me if we took Senator Bluechel's amendment, which I am inclined to support, that we are just leaving the law as it is now, so why is that a step forward or a step in any direction? It looks like we are just maintaining what we have."

MOTION

On motion of Senator Mardesich, Senate Bill No. 2367, together with the pending amendment by Senators Bluechel, Peterson and Benitz, was ordered placed at the end of today's second reading calendar.

MOTION

On motion of Senator Mardesich, Senate Bill No. 2378 was ordered placed at the end of today's second reading calendar.

SECOND READING

SENATE BILL NO. 2393, by Senators Peterson, Lewis (Harry) and Rasmussen: Authorizing the director of game to open, close, shorten, or reopen seasons by his order.

REPORT OF STANDING COMMITTEE

February 27, 1975.

SENATE BILL NO. 2393, authorizing the director of game to open, close, shorten, or reopen seasons by his order (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass with the following amendment:

On page 2, line 7, strike "[each] *Thurston*" and insert "each". After "county" strike "[affected]" and insert "affected [".

Signed by: Senators Peterson, Chairman; Beck, Bluechel, Grant, Pullen, Rasmussen, Talley.

The bill was read the second time by sections.

On motion of Senator Peterson, the committee amendment was adopted.

On motion of Senator Peterson, the rules were suspended, Engrossed Senate Bill No. 2393 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. 2393, and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; absent or not voting, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—47.

Voting nay: Senator Odegaard—1.

Absent or not voting: Senator Bottiger—1.

ENGROSSED SENATE BILL NO. 2393, having received the 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. 2427, by Senators Peterson, Lewis (Harry) and Rasmussen: Regulating the disposal of hatchery fish by the department of fisheries.

MOTIONS

On motion of Senator Peterson, Substitute Senate Bill No. 2427 was substituted for Senate Bill No. 2427, and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Peterson, the rules were suspended, Substitute Senate Bill No. 2427 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Would Senator Peterson yield to a question? Senator Peterson, the digest indicates that this would relate to shellfish also. My question is, at the present time the Fisheries Department has numerous oyster preserves. This in no way will prevent them from selling the oysters that they have on the preserves as they do now to the commercial?"

Senator Peterson: "No, it does not, Senator. I think you are probably looking at the original bill rather than the substitute bill, aren't you?"

Senator Rasmussen: "I just wanted to make that clear. It is not intended to restrict them in that operation?"

Senator Peterson: "That is correct."

Senator Rasmussen: "Thank you."

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2427, and the bill passed the Senate by the following vote: Yeas, 48; absent or not voting, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—48.

Absent or not voting: Senator Bottiger—1.

SUBSTITUTE SENATE BILL NO. 2427, having received the 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 Mardesich, the Senate resumed consideration of Senate Bill No. 2197, as amended.

SECOND READING

SENATE BILL NO. 2197, by Senators Ridder, Newschwander and Grant:
Increasing the amount of the contractor's bond.

The Senate resumed consideration of Senate Bill No. 2197, as amended on April 7, 1975. Senator Francis raised a Point of Order on that day on the following amendment by Senators Bluechel and Guess:

On page 3, after line 12, insert a new section as follows:

"*NEW SECTION*. Sec. 2. Section 8, chapter 77, Laws of 1963 as last amended by section 3, chapter 118, Laws of 1972 ex. sess. and RCW 18.27.080 are hereby repealed.

RULING BY THE PRESIDENT

The President: "In ruling on the point of order as raised by Senator Francis, the President finds that Senate Bill No. 2197 is a measure to strengthen the law with regard to the registration of contractors by increasing the amount of the required bond and extending the time upon which suit against the bond may be commenced. The amendment, however, is designed to weaken the act and changes the law which presently prohibits unregistered and unbonded contractors from bringing legal actions for work performed.

The amendment does increase the scope and object of the bill and the point of order as raised by Senator Francis is well taken."

The amendment by Senators Bluechel and Guess was ruled out of order.

On motion of Senator Francis, the rules were suspended, Engrossed Senate Bill No. 2197 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 Senate Bill No. 2197, and the bill failed to pass the Senate by the following vote: Yeas, 22; nays, 26; absent or not voting, 1.

Voting yea: Senators Beck, Buffington, Cunningham, Francis, Goltz, Grant, Herr, Knoblauch, Lewis (Harry), Mardesich, Marsh, McDermott, Murray, Newschwander, Rasmussen, Ridder, Scott, Stortini, Talley, von Reichbauer, Walgren, Woody—22.

Voting nay: Senators Bailey, Benitz, Bluechel, Bottiger, Clarke, Day, Donohue, Fleming, Gould, Guess, Henry, Jolly, Jones, Keefe, Lewis (R. H. "Bob"), Matson, Morrison, North, Odegaard, Peterson, Pullen, Sellar, Van Hollebeke, Wanamaker, Washington, Wilson—26.

Absent or not voting: Senator Sandison—1.

ENGROSSED SENATE BILL NO. 2197, having failed to receive the constitutional majority, was declared lost.

NOTICE OF RECONSIDERATION

Having voted on the prevailing side, Senator Bailey served notice that he would, on the next working day, move for reconsideration of the vote by which Engrossed Senate Bill No. 2197 failed to pass the Senate.

MOTION

On motion of Senator Mardesich, the Senate resumed consideration of Engrossed Senate Bill No. 2306.

SECOND READING

ENGROSSED SENATE BILL NO. 2306, by Senators Day and Jones:
Revising the law relating to usury.

The Senate resumed consideration of Engrossed Senate Bill No. 2306. On Monday, April 7, 1975 the motion for reconsideration carried. On motion of Senator Day, on that day, the rules were suspended and Engrossed Senate Bill No. 2306 was returned to second reading and amended by Senator Woody.

Senator Grant moved adoption of the following amendment:

On page 1, line 21, after "Sec. 2." strike all the material down to and including "immediately." on line 24 and insert "This amendatory 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 general election to be held in this state on the Tuesday next succeeding the first Monday in November, 1975, all in accordance with the provisions of section 1, Article II of the Constitution of the state of Washington, as amended, and the laws adopted to facilitate the operation thereof."

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Would Senator Day yield to a question? Senator Day, I am a little concerned. On the amendment and in the bill it relates to commercial, which is clearly understood, but then business loans. How would you define that? And would this be for one loan or would it be cumulative?"

Senator Day: "No, it is for one loan. That has been clearly delineated in the amendments that it is only for one loan. In other words, the loans that were made could not be collectively added up. So it has to be for the one loan that the application is for."

Senator Rasmussen: "The part on the business loan could be any kind of a business, monkey business or anything else."

Senator Day: "If you are in the business of monkey business, Senator, and I am certain you know about those businesses, why"

Senator Rasmussen: "We have a building over on the east side of the mountain there where they contain monkeys but that is a state institution."

Senator Day: "Yes."

Senator Rasmussen: "But you still have not solved my problem with that business loan part of it."

Senator Day: "The way the language reads now, it says, 'exclusively for business or commercial purposes.' So I think that answers the question."

Debate ensued.

POINT OF INQUIRY

Senator Fleming: "I wonder, would Senator Day yield to a couple of questions? Senator Day, I am not an expert in this area and I am sure most of us on the floor are not, but would they not, small business persons — not qualify for FDA loans and would they not also be able to get loans at less of an interest?"

Senator Day: "The answer to that is, of course, that one of the necessities relative to an FDA loan is that you have been turned down by other lending agencies and then, of course, one of the second things that you run into is, is there any FDA money available for the specific type of business that you want to get into. And usually the answer to that is no."

Senator Fleming: "Okay. Well, on that one, most of them, there is money usually available unless you are awfully specific in the type of business you want to get into. Secondly, I know a little more about this than you think I do — secondly, could you tell me why and what the effect of the stricken language on line 10? What are we doing by this bill that we have not done in the past?"

Senator Day: "The effect of that is to actually tighten it up and restrict it further to the type of loan and"

Senator Fleming: "No, no. Senator Day, is it not a fact that by striking that language you are allowing other people that not heretofore have been able to be involved in this type of transaction because before it was tightened up saying that you had to be

engaged in the business of lending money or development or improvement of real estate transactions in Washington? If you strike that, do you or do you not allow other people to get involved in this arena than before?"

Senator Day: "The answer to that is the amendment down there that made it exclusively business or commercial, I believe."

Senator Fleming: "Okay, that is in terms of the type of loan and not the people who are involved, the institutions or organizations that are involved in the loan."

Senator Day: "I do not think I can answer that question."

Senator Fleming: "Can somebody — Senator Jones, can you answer that question? You are one of the sponsors. Senator Woody is the chairman of the committee. Okay, from my reading of that, line 10, the stricken language is 'engaged in the business of lending money or the development or improvement of real estate in the state of Washington,' and what I am saying; by striking that, are you or are you not allowing organizations, corporations or business ventures that not heretofore were able to transact this type of business, go into these transactions, they were not able to do it before are able to do it now, by striking that language?"

Senator Woody: "By striking the language, the person who is engaged in business does not have to be in the business of lending money or the development or improvement of real estate in order to be eligible for the provisions of this act."

Senator Fleming: "Okay. So we are not tightening it up, we are loosening it up a little bit."

Senator Woody: "Tightening or loosening, expands it."

Further debate ensued.

The motion by Senator Grant failed and the amendment was not adopted.

On motion of Senator Day, the rules were suspended, Reengrossed Senate Bill No. 2306 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Day: "Would Senator Bottiger yield? Senator Bottiger, I believe this bill has been pretty well discussed now, but there has been a question raised relative to compensating balances. I understand you have looked into that and do have that and do have the rules and regulations on that."

Senator Bottiger: "Yes, Senator Day. The last time we considered this I asked Senator Woody a question in respect to compensating balances and his answer was not, if I may say so, entirely satisfactory to me and apparently to some others, so I did get the memorandum from the general council of banking as to compensating balances in light of the twelve percent interest rate; and if I can read in very short part: 'When the net fee collected balances maintained by a customer are considered in determining attractiveness of loan, such balances are termed compensating balances. If such balances are contractually required as a condition to the extension of credit and if the customer is denied use of said balances, it is legal counsel's opinion that the net loan advanced available to the borrower after deducting the compensating balances will be the basis for computing the effective interest rate.' I then asked, 'Okay, you have shown me that. Now why don't you show me whether a bank is doing that,' and I received a portion of the general manual for the Rainier National Bank, former National Bank of Commerce, which states — this is to all of their loan officers: 'Accordingly, so long as interest rates are at or near their present level it may be necessary to inform customers that all arrangements, formal or informal, relating to the maintenance of compensating balances, are deemed to be inoperative if the effect is to charge them more than the maximum permissible interest rate. Please review your loan accounts and if such agreements are in effect review the circumstances with the head loan office to determine whether such notice is required.' Now the effect of this, which was of much concern to me, was that under this bill a bank could ostensibly authorize a loan of fifty thousand dollars but hold back say twenty of it, charge over the twelve percent interest rate for the fifty thousand dollars or have the use of the compensating balance interest free, and the net effect would be an

exorbitant interest rate or over the twelve percent. I am now completely satisfied that such is not the case and my objection to the bill has been removed."

ROLL CALL

The Secretary called the roll on the final passage of Reengrossed Senate Bill No. 2306, and the bill passed the Senate by the following vote: Yeas, 40; nays, 9.

Voting yea: Senators Bailey, Benitz, Bluechel, Bottiger, Clarke, Cunningham, Day, Donohue, Francis, Goltz, Gould, Guess, Henry, Herr, Jolly, Jones, Keefe, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Sandison, Scott, Sellar, Stortini, Talley, von Reichbauer, Walgren, Wanamaker, Wilson, Woody—40.

Voting nay: Senators Beck, Buffington, Fleming, Grant, Knoblauch, McDermott, Ridder, Van Hollebeke, Washington—9.

REENGROSSED SENATE BILL NO. 2306, having received the 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 1:47 p.m., on motion of Senator Mardesich, the Senate adjourned until 10:15 a.m., Wednesday, April 9, 1975.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

TWENTY-SEVENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, April 9, 1975.

The Senate was called to order at 10:15 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senator Matson. On motion of Senator Lewis (R. H. "Bob"), Senator Matson was excused.

The Color Guard, consisting of Pages Michelle Hansen and Eddie Schumaker, presented the Colors. Reverend Herbert B. McLellan, Associate to the Rector of St. John's Episcopal Church of Olympia, offered the following prayer:

"LORD OF POWER AND GIVER OF GRACE AND WISDOM, WE COMMEND TO THEE ALL WHO ARE ENGAGED IN THE GOVERNMENT OF THIS STATE; GRANT TO THEM CLEAN HANDS, PURE HEARTS, AND UNFAILING DEVOTION TO THE CAUSE OF RIGHTEOUSNESS. TO THEE, MERCIFUL LORD, WE COMMEND THEIR WORK, PRAYING THAT IT MAY BE SUCH AS WILL PROMOTE THY WORK IN OUR MIDST, TO THE SUCCOR OF THE POOR, THE RELIEF OF THE OPPRESSED, THE PUTTING DOWN OF ALL SOCIAL EVILS, AND THE REDRESS OF ALL SOCIAL WRONGS. LET ALL THEY THINK OR SPEAK OR DO, BE FOR THY GLORY AND THE GOOD OF THY PEOPLE; THROUGH JESUS CHRIST OUR LORD. AMEN."

MOTION

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

REPORTS OF STANDING COMMITTEES

April 4, 1975.

SENATE BILL NO. 2091, creating a new system of district courts (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended and refer to the Committee on Ways and Means.

Signed by: Senators Francis, Chairman; Clarke, Jones, Scott, Van Hollebeke, Woody.

Referred to Committee on Ways and Means.

April 8, 1975.

SENATE BILL NO. 2467, permitting mutual savings banks to convert to savings and loan associations (reported by Committee on Financial Institutions):

MAJORITY recommendation: Do pass.

Signed by: Senators Woody, Chairman; Bluechel, Clarke, Jones.

Passed to Committee on Rules for second reading.

April 8, 1975.

SENATE BILL NO. 2517, relating to higher education (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 2517 be substituted therefor and that the substitute bill do pass.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Wilson, Second Vice Chairman; Fleming, Jones, Mardesich, Marsh, Newschwander, Washington, Woody.

Passed to Committee on Rules for second reading.

April 8, 1975.

SENATE BILL NO. 2623, requiring reports of child abuse to be forwarded to the prosecuting attorney for investigation and action (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Francis, Chairman, Buffington, Clarke, Jones, Marsh, Scott, Van Hollebeke, Woody.

Passed to Committee on Rules for second reading.

April 8, 1975.

SENATE BILL NO. 2713, changing requirements for county road construction day labor contracts (reported by Committee on Local Government):

MAJORITY recommendation: That Substitute Senate Bill No. 2713 be substituted therefor and the substitute bill do pass.

Signed by: Senators Fleming, Chairman; Jolly, McDermott, Talley, Walgren, Wilson.

Passed to Committee on Rules for second reading.

April 8, 1975.

SENATE BILL NO. 2944, permitting investment of public funds in the Asian development bank (reported by Committee on Financial Institutions):

MAJORITY recommendation: Do pass.

Signed by: Senators Woody, Chairman; Bluechel, Clarke, Jones.

Passed to Committee on Rules for second reading.

April 8, 1975.

SENATE JOINT MEMORIAL NO. 111, requesting the President to attend the dedications of Lower Monumental, Little Goose, and Lower Granite Dams (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass.

Signed by: Senators Walgren, Chairman; Henry, Vice Chairman; Beck, Bluechel, Bottiger, Keefe, Sellar, Stortini, Talley.

Passed to Committee on Rules for second reading.

April 8, 1975.

HOUSE BILL NO. 2, decreasing the term length of mortgages or deeds on lease hold estates required for investments by insurance companies (reported by Committee on Financial Institutions):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Woody, Chairman; Bluechel, Clarke, Jones.

Passed to Committee on Rules for second reading.

April 8, 1975.

HOUSE BILL NO. 162, removing the requirement that certain justices of the peace and district court judges be attorneys (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Buffington, Fleming, Jones, Scott, Van Hollebeke, Woody.

Passed to Committee on Rules for second reading.

April 8, 1975.

HOUSE BILL NO. 324, exempting cargo containers from property taxation (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Bailey, Jones, Lewis (Harry), Marsh, Murray, Rasmussen, Sandison, Woody.

Passed to Committee on Rules for second reading.

April 8, 1975.

HOUSE BILL NO. 468, abolishing the state armory fund and directing revenue to the state general fund (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Wilson, Second Vice Chairman; Fleming, Jones, Mardesich, Marsh, Newschwander, Rasmussen, Washington, Woody.

Passed to Committee on Rules for second reading.

COMMUNICATION TO PRESIDENT JOHN A. CHERBERG

April 9, 1975.

LADIES AND GENTLEMEN:

Today is Arbor Day, a time to plant and appreciate trees.

The custom of celebrating Arbor Day dates back to the fifth century when people in a small Swiss town instituted a day of tree planting as a yearly holiday. They knew the important beneficial effect trees had on each of their lives and on their country as a whole.

In the United States, the 100th anniversary of Arbor Day was celebrated in 1972.

In Washington state, legislation sponsored by Senator Reuben Knoblauch passed in 1957 designates the second Wednesday in April as Arbor Day.

In our state, Arbor Day has special meaning. Our trees and forests give us many comforts; beauty, shade, oxygen, and spiritual support as well as great environmental and economic values such as watersheds, forest products, and jobs.

In honor of Arbor Day, each of you will find a potted western hemlock, our state tree, on your desk along with a brochure on Arbor Day. The seedling is one grown in the Western Nursery operated by the Department of Natural Resources, where thirty million seedlings of several species are produced annually. These are outplanted to replace trees harvested in the management of our renewable forest resource.

By planting this seedling, you affirm the spirit of Arbor Day and further enhance our heritage as the evergreen state.

Thank you for your thoughtfulness.

Ed Loners, Director, Keep Washington Green
Chairman, Washington State Arbor Day Committee

MOTIONS

On motion of Senator Guess, Senate Bill No. 2143 will be considered after Senate Bill No. 2611.

At 10:28 a.m., on motion of Senator Mardesich, the Senate recessed until 11:50 a.m.

SECOND MORNING SESSION

The President called the Senate to order at 11:50 a.m.

SECOND READING

SENATE BILL NO. 2507, by Senators Henry, Bluechel and North (by Secretary of State request):

Designating office of program planning and fiscal management as recipient of certificate of annexation.

MOTIONS

On motion of Senator Fleming, Substitute Senate Bill No. 2507 was substituted for Senate Bill No. 2507 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Fleming, the rules were suspended, Substitute Senate Bill No. 2507 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Day: "Would Senator Fleming yield to a question? Senator Fleming, does this bill in any way change the requirements for annexation of an adjacent area to a city?"

Senator Fleming: "No, from my understanding, the requirements are pretty much the same as the law is now and it just brings the code cities language which was not dropped at the time when they changed the language of cities and brings it into conformity with the cities, so cities and code cities can be the same; and it also changes the authority to that agency and also makes sure that a certificate goes to the Highway Department rather than the Secretary of State's office in terms of population."

POINT OF INQUIRY

Senator Wilson: "Would Senator Fleming yield? Senator Fleming, is there anything in this bill that would permit an area to be annexed to anything without a majority vote within the area which was going to be annexed?"

Senator Fleming: "From my understanding of the measure, we are not changing anything in the law as relates to new annexation. My only understanding is OPP and FM came in and the Secretary of State requests this measure, to bring it into conformity with the cities and code cities language and change the authority as to the issuance of this."

Senator Wilson: "Then your answer to my question is no."

Senator Fleming: "To my understanding, it is no."

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2507, and the bill passed the Senate by the following vote: Yeas, 47; absent or not voting, 1; excused, 1.

Voting yea: Senators Bailey, Beck, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—47.

Absent or not voting: Senator Benitz—1.

Excused: Senator Matson—1.

SUBSTITUTE SENATE BILL NO. 2507, having received the 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. 2608, by Senators Goltz, North and Washington:

Revising fiscal regulation of activated air pollution authorities.

The bill was read the second time by sections.

On motion of Senator Goltz the rules were suspended, Senate Bill No. 2608 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. 2608 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—48.

Excused: Senator Matson—1.

SENATE BILL NO. 2608, having received the 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. 2609, by Senator Walgren:

Limiting the number of copies of Washington state statutes that a county must keep on file.

The bill was read the second time by sections.

On motion of Senator Fleming the rules were suspended, Senate Bill No. 2609 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. 2609 and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—48.

Excused: Senator Matson—1.

SENATE BILL NO. 2609, having received the 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 Beck, Senate Bill No. 2611 was placed at the end of today's second reading calendar.

SECOND READING

SENATE BILL NO. 2143, by Senators Talley, Jolly and North:

Relating to contracts of first class cities.

The Senate resumed consideration of Senate Bill No. 2143. On Tuesday, April 8, 1975, Senator Fleming moved adoption of the committee amendment to page 1, line 8.

Senator Mardesich moved adoption of the following amendment to the committee amendment:

Amend the committee amendment to page 1, line 8, as follows:

After "dollars" on line 5, strike all the matter down through "the work" on line 16.

Debate ensued.

MOTION

At 12:20 a.m., on motion of Senator Mardesich, the Senate recessed until 1:15 p.m.

AFTERNOON SESSION

The President called the Senate to order at 1:15 p.m.

MOTION

On motion of Senator Fleming, Senate Bill No. 2143, together with the committee amendment to page 1, line 8 and the amendment to the amendment by Senator Mardesich, was ordered to hold its place on the second reading calendar for Thursday, April 10, 1975.

MOTION

On motion of Senator Walgren, Senate Bill No. 2619 will be considered after Senate Bill No. 2663.

SECOND READING

SENATE BILL NO. 2647, by Senators Beck and Walgren:
Providing for transfer of state land to Kitsap county.

REPORT OF STANDING COMMITTEE

March 7, 1975.

SENATE BILL NO. 2647, providing for transfer of state land to Kitsap county (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 17, after "road" and before the semicolon strike "No. 14" and insert "No. 160, formerly known as state road No. 14".

On page 1, line 23, after "margin of" and before "Road" strike "Retail" and insert "Retsil".

On page 1, line 29, after "uniform" and before "of" strike "fadius" and insert "radius".

On page 2, line 6, after "act" and before the period insert "and containing the provisions of section 3 of this act".

Signed by: Senators Peterson, Chairman; Beck, Pullen, Rasmussen, Sandison, Talley.

The bill was read the second time by sections.

On motion of Senator Beck, the committee amendments to page 1 were considered and adopted simultaneously.

On motion of Senator Beck, the committee amendment to page 2 was adopted.

On motion of Senator Beck, the rules were suspended, Engrossed Senate Bill No. 2647 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Lewis (Harry): "Would Senator Beck yield? Senator Beck, if we vote this bill out which will give this property to Kitsap County, are the developments that you are going to put on that property going to be paid for by the people of Kitsap County? Is that what you are proposing?"

Senator Beck: "Yes."

Senator Lewis (Harry): "Or are you going to try to get other state funds or revenues to develop the property after we have given it to you?"

Senator Beck: "No. There is no intention at all. This is in a very highly developed area up there where it would make a good recreational area. At one time the people of South Kitsap wanted to build a swimming pool, build a building and build a swimming pool there, but since we did not own the property the bond issue and the special millage went down to defeat, and it is hoped that we might be able to develop this into a highly desirable recreational area. We have no intentions of acquiring any other state funding for that. I might add that at the time we had this bond issue we were in hopes that we might get some interagency funds to help construct this big building but there is no intention at all to acquire anything at all now."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2647, and the bill passed the Senate by the following vote: Yeas, 47; absent or not voting, 1; excused, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—47. Absent or not voting: Senator Bluechel—1.

Excused: Senator Matson—1.

ENGROSSED SENATE BILL NO. 2647, having received the 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. 2663, by Senators North and McDermott:

Permitting conditional licensing of alien physicians for work in county or city health departments.

REPORT OF STANDING COMMITTEE

March 20, 1975.

SENATE BILL NO. 2663, permitting conditional licensing of alien physicians for work in county or city health departments (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 18, after "thereof" strike ", or in the country of Great Britain"

Signed by: Senators Day, Chairman; Buffington, Francis, Gould, McDermott, North, Ridder.

The bill was read the second time by sections.

On motion of Senator Day, the committee amendment was adopted.

MOTION

On motion of Senator Lewis (R. H. "Bob"), Senators Bluechel and Sellar were excused.

There being no objection, Senator Mardesich was excused.

On motion of Senator Day the rules were suspended, Engrossed Senate Bill No. 2663 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. 2663, and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 1; excused, 4.

Voting yea: Senators Bailey, Beck, Benitz, Bottiger, Buffington, Clarke, Cunningham, Day, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Marsh, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—44.

Absent or not voting: Senator Donohue—1.

Excused: Senators Bluechel, Mardesich, Matson, Sellar—4.

ENGROSSED SENATE BILL NO. 2663, having received the 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. 2619, by Senators Day, Buffington and McDermott:
Providing a state-wide medical education system for family practice training.

REPORT OF STANDING COMMITTEE

March 26, 1975.

SENATE BILL NO. 2619, providing a statewide medical education system for family practice training (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendments by Committee on Social and Health Services and by Committee on Ways and Means:

On page 2, line 3, before "affiliated" strike "accredited and".

On page 3, line 26, after "programs" and before the period insert "and are located at the school of medicine".

On page 3, line 27, after "funds" and before "shall" strike "appropriated under this chapter" and insert "for the purposes of this act".

On page 3, strike all of section 7 and renumber the remaining section consecutively.

On page 1, line 2 of the title, after "RCW" strike "; and making an appropriation".

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Wilson, Second Vice Chairman; Bailey, Matson, Murray, Rasmussen, Washington, Woody.

On motion of Senator Day, the committee amendments to page 2, line 3 and page 3, line 26 by the Committee on Social and Health Services were adopted.

On motion of Senator Day, the committee amendments to page 3, line 27 and page 3, striking all of section 7 by the Committee on Ways and Means were adopted.

On motion of Senator Day, the committee amendment to the title, by the Committee on Ways and Means, was adopted.

On motion of Senator Day, the rules were suspended, Engrossed Senate Bill No. 2619 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: "Would Senator Day yield to a question? Senator Day. I read in the Sunday Parade Magazine of the paper that a large part of our problems in doctors and all professions both related to the high cost of charges that they make, and most of it is caused because of our laws that are very restrictive, that we do not have reciprocal licensing, that the doctors cannot freely travel across the borders between Oregon, California and Canada, even though they are well qualified and pass the licensing acts in their own states. Is this true that we could eliminate some of this restrictive licensing

and make it possible for more doctors to freely come to where they would like to locate in the charming state of Washington?"

Senator Day: "Senator Rasmussen, I think that this proves that you and I go back quite a ways here, because there was a time when for all the professions this was a real obstacle. We now have national boards that are recognized, the first part in lieu of the basic science, which has reciprocal function between the states. The only reason, I understand, we do not have reciprocity with Canada is because Canada does not meet the other half of the requirement. They will not let our people reciprocate, and of course, reciprocity works both ways. But I would point out to you that the amendments that we have made to the basic science act not only allow reciprocity in the basic sciences themselves, but they will allow, in lieu thereof, the first half of the national board and in addition thereto, the medical board itself has been empowered to and authorized to give the basic science, so that has been eliminated as a block to physicians and other practitioners moving back and forth between states. So I would say we have made a great deal of progress in this area. I think that this particular bill is going to be a model program for the country and this is the thing that is really going to solve the distribution problem. And there has been a very serious distribution problem. We have found that when people specialize they need to stay where the technology that is needed in those specialties is available, and of course that keeps them in the metropolitan areas. And what this bill does is really create a new specialty or it enhances the development of that new specialty and that is family practice, which is really a higher class general practitioner than we had before.

"I would like to also remark that the people that I have seen involved in this program are very broad-minded in their approach. They are not so provincial as they used to be. They are interested in the patient's welfare. And by the way, Senator Van Hollebeke, the clinic in Spokane, if they feel the man needs a chiropractor, they refer him to a chiropractor, and I think that in itself is marked progress in the interest of the health of the people of this state. This particular bill now will facilitate, Senator, all those things that we have been talking about and we have resolved the reciprocity problem so that this should, and Dean Van Citters, again, is the man who really broke the ice and of course he was running interference for the quarterback in the gallery, Dr. Lien."

Senator Rasmussen: "One more question, Senator Day. Do you think the Van Hollebeke bill allowing chiropractors to serve as paramedics would solve the problem?"

Senator Day: "No, I think that medicine should stay where it belongs and the chiropractors should serve in the service area that he belongs in and that they should refer freely back and forth and understand each other's practice better, and I think that that will serve the best interests of people who need their services."

POINT OF INQUIRY

Senator von Reichbauer: "Would Senator Day yield? Senator Day, when you said the clinic referred many patients did you say a chiropractor or the chiropractor?"

Senator Day: "No. I said 'to the service that was needed for the patient.' Their concerns are for the patient and I think that is most important to the whole process."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2619, and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 1; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Marsh, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—46.

Absent or not voting: Senator Scott—1.

Excused: Senators Mardesich, Matson—2.

ENGROSSED SENATE BILL NO. 2619, having received the constitutional ma-

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. 2861, by Committee on Higher Education:

Exempting certain educational housing from provisions relating to unfair discrimination or as affecting civil rights.

The bill was read the second time by sections.

Senator Cunningham moved adoption of the following amendment:

On page 2, line 21, after "status" and before the period insert "or for any person to separate the sexes with respect to or limit the use of restrooms and appurtenant lounges to persons of one sex"

Debate ensued.

The motion by Senator Cunningham failed and the amendment was not adopted on a rising vote.

On motion of Senator Sandison the rules were suspended. Senate Bill No. 2861 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. 2861, and the bill passed the Senate by the following vote: Yeas, 46; nays, 1; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Marsh, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—46.

Voting nay: Senator Scott—1.

Excused: Senators Mardesich, Matson—2.

SENATE BILL NO. 2861, having received the 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. 2892, by Senators Fleming, Sellar and Talley:

Establishing disposition procedures for unclaimed personal property in port districts.

REPORT OF STANDING COMMITTEE

March 26, 1975.

SENATE BILL NO. 2892, establishing disposition procedures for unclaimed personal property in port districts (reported by Committee on Local Government):

MAJORITY recommendation: Do pass with the following amendment:

On page 2, line 6 after "notice" strike all of the matter down through "thereto" on line 9, and insert "[published in a newspaper of general circulation within the city or town at least ten days prior thereto] at least ten days prior thereto published in a newspaper of general circulation within the city or town, if the property is in the possession of a city or town, or if the property is in the possession of a port district, in a newspaper of general circulation within the county in which the port district is located".

On page 2, line 18, after "derived" and before "there" strike ". If" and insert "[. If] unless".

On page 2, beginning on line 28, strike all of new section 5.

Signed by: Senators Fleming, Chairman; Jolly, North, Sellar, Talley, Walgren, Wilson.

The bill was read the second time by sections.

On motion of Senator Fleming, the committee amendments were adopted.

On motion of Senator Fleming, the rules were suspended, Engrossed Senate Bill No. 2892 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Cunningham: "Would Senator Fleming yield to a question please? Senator Fleming, does this bill have any impact as far as giving direction to any of the items of personal property that are confiscated at the airport?"

Senator Fleming: "No, it does not deal with that matter, just merely that property that is unclaimed after a certain period of time, they would be able to put it up for sale."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2892, and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 1; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (R. H. "Bob"), Marsh, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—46.

Absent or not voting: Senator Lewis (Harry)—1.

Excused: Senators Mardesich, Matson—2.

ENGROSSED SENATE BILL NO. 2892, having received the 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 Rasmussen served notice that he would, on the next working day, move for reconsideration of the vote by which Engrossed Senate Bill No. 2892 passed the Senate.

SECOND READING

SENATE CONCURRENT RESOLUTION NO. 106, by Senators Day, Jones and Guess:

Directing the house and senate committees on parks and recreation to conduct hearings on proposed land trades by the state parks and recreation commission.

MOTION

On motion of Senator Day, Senate Concurrent Resolution No. 106 was re-referred to the Committee on Parks and Recreation.

APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence in the Senate Chamber of former Senator and Mrs. Damon Canfield, and appointed Senators Rasmussen and Sellar to escort the honored guests to the Senate rostrum.

With permission of the Senate, business was suspended to permit the introduction of Mrs. Canfield and Senator Canfield to address the Senate.

SECOND READING

THIRD SUBSTITUTE SENATE BILL NO. 2048, by Committee on Parks and

Recreation (originally sponsored by Senators Knoblauch, Wanamaker, Bailey, Jones and Beck):

Revising laws on boating.

The Senate resumed consideration of Third Substitute Senate Bill No. 2048 and the following amendment moved for adoption by Senator Rasmussen on Monday, April 7, 1975:

On page 10, line 27, strike all of section 14 and renumber remaining sections consecutively.

Debate ensued.

The motion by Senator Rasmussen carried and the amendment was adopted.

Senator McDermott moved adoption of the following amendment:

On page 9, line 30, after "(6)" strike "The annual registration fees provided for in this chapter shall be in lieu of all personal property taxes or any annual excise tax levies in lieu of such personal property taxes."

Debate ensued.

The motion by Senator McDermott failed and the amendment was not adopted.

There being no objection, the remainder of the amendments by Senator McDermott on the Secretary's desk were withdrawn.

Senator Rasmussen moved adoption of the following amendment:

Beginning on page 9, line 18, through line 12, on page 10, strike all of subsections (2) through (9) and insert:

"(2) Vessels with propulsion machinery shall be licensed for a three-year period at a fee of six dollars for the three-year period;

(3) Any owner of more than one vessel with propulsion machinery shall pay two dollars for the first vessel and one dollar for each additional such vessel;"

Renumber the remaining subsections.

POINT OF INQUIRY

Senator Lewis (Harry): "Would Senator Rasmussen yield? Senator, I am not sure but your amendments look imperfect to me. You refer in paragraph two, 'vessels with propulsion machinery shall be licensed for three years at a fee of six dollars', and then in three you say 'any owner of more than one vessel or a vessel with propulsion machinery shall pay two dollars.' Even with the introductory paragraph in that section, I am wondering if that is clear as to what your intent is here. Perhaps you could clarify it verbally or perfect the amendment. It does not read right to me."

Senator Rasmussen: "It may not read right, Senator. I agree with you. The intent is that the person with two or three rowboats and where he interchanges a motor on these small boats, the first boat he would pay the two dollars for the first vessel and one dollar for the first vessel and one dollar for each one after that. And I agree it should read possibly two dollars for the first vessel or six dollars per year. The intent of it is that they should have the right to number all these boats under the one number for the additional dollar apiece. And that is provided also down in the liveryman section. Senator Wanamaker can clarify it somewhat."

Debate ensued.

On motion of Senator Woody, the following amendment to the amendment by Senator Rasmussen was adopted:

Amend the Rasmussen amendment to page 9, line 18 as follows: Strike all of subsection (3).

Further debate ensued.

POINT OF INQUIRY

Senator Clarke: "Will Senator Rasmussen yield? Senator Rasmussen, I note that on this amendment as I read it, you are striking through line 12 on page 10; and on line 12 this contains some additional matter. Did you intend to strike subsections (8) and (9) as they appear on page 10? It seems to me that has an additional effect and if so, I would like to speak to them but if you did not, I would ask you to correct your amendment to stop your striking on line 3."

Senator Rasmussen: "I am just checking the amendment that was drafted."

Senator Clarke: "I am trying to understand the intent of your amendment. I think the intent would be to strike lines 1, 2 and 3 on page 10 instead of lines 4 through 12 and I would just appreciate it if you would check that."

Senator Rasmussen: "No, we do not intend to strike subsection (9)."

Senator Clarke: "Yes, well that is one I was particularly interested in."

Senator Rasmussen: "Right."

On motion of Senator Rasmussen, the following amendment to the amendment by Senator Rasmussen was adopted:

On line 1 of the Rasmussen amendment to page 9, line 18, strike "12" and insert "3" and on line 3 of the amendment strike "(9)" and insert "(7)"

Debate ensued.

The motion by Senator Rasmussen failed and the amendment, as amended, was not adopted.

Senator Rasmussen moved adoption of the following amendment:

On page 11, line 9, old-numbered section 15, strike all of subsection (2) through line 17 and renumber the remaining subsection accordingly.

Debate ensued.

The motion by Senator Rasmussen failed and the amendment was not adopted.

Senator Rasmussen moved adoption of the following amendment:

On page 12, old-numbered section 19, line 20, strike all of subsections (1), and (7) through (11) and renumber remaining subsections accordingly.

Debate ensued.

The motion by Senator Rasmussen failed and the amendment was not adopted.

On motion of Senator Knoblauch, the rules were suspended, Engrossed Third Substitute Senate Bill No. 2048 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

MOTION

On motion of Senator Odegaard, Senator Donohue was excused.

POINT OF INQUIRY

Senator Talley: "Would Senator Wanamaker yield? Senator Wanamaker, I have talked to you several times on this problem and that is the matter of small boats, little aluminum boats that old people have and put on top of their trailers and things like that and go out and fish with them. Under this bill they will have to pay a ten dollar fee per year, won't they?"

Senator Wanamaker: "Not necessarily. It depends, on the size boat, what horsepower it takes. Under five horsepower they will pay three dollars. Under eleven horsepower they will pay five dollars."

Senator Talley: "But they will be required to pay a fee if they put a motor on the boat?"

Senator Wanamaker: "That is right. However, that is also in conformity with the Coast Guard. At one time we had a section in here that exempted boats of the smaller boats, and the Coast Guard was on us immediately and told us we had to take that out, which we did."

Senator Talley: "Senator Wanamaker, I would feel if the Coast Guard wanted to go over into eastern Washington and they want to go up and down our rivers and enforce their regulation, they had better double or triple their forces and go at it. No, I do not want the Marines."

Debate ensued.

POINT OF INQUIRY

Senator Walgren: "Would Senator Wanamaker yield to a question? Senator Wanamaker, I want you to correct my statement if it is wrong and I am asking you whether it is wrong or right; that a boat fifty feet long constructed in 1938 will pay the same fee as a boat fifty feet long constructed in 1975."

Senator Wanamaker: "That is true. However, in answer to that, unless you wanted to go into a complex assessment structure of which you would do if, as Senator Rasmussen says, in building a bureaucracy, that is the route you should go. Under this bill I think we have very definitely stayed away from a bureaucracy, and as you talk about putting this under the Department of Motor Vehicles, very likely that is where the titling will go is in the Department of Motor Vehicles.

In answer to Senator Van Hollebeke, in saying that you could go to all of these yacht clubs and pick up all of these boats. You are not taking into consideration all of these boats that are backed into sheds and on trailers, myself included, that the assessor cannot get at. They are not at any yacht club or at any marina. And as for Senator Talley and his deduction on his boat and also on the trailer boats, those are the ones that are causing the problem. We do not have to worry about Senator Clarke going out in his boat. He is big enough, he has been on the water all of his life, he is not the problem, but he is going to be paying the bulk of the bill. It is these smaller boats, the trailer boats, that they are having the trouble with law enforcement. The statistics and the testimony that we received that those are the boats that we are having the trouble with and for the need of a boating safety bill. Actually, we are bringing these yacht club people in to help us pay the bill. We have received letters from county assessors asking us for this bill because, under the present set up, it is impossible to assess them. If we went that route, as what Senator Walgren suggests, it would mean that we would have to title them, then turn it over to the Department of Revenue and a bureaucracy to go around and assess every boat in the state. This is not our idea. We made the fees nominal, sufficient to carry the act, and do something for boating safety and that is all we were after, and do it very simply. Therefore, I urge you to vote for the bill."

MOTION

On motion of Senator Lewis (R. H. "Bob"), Senator Gould was excused.

MOTION

Senator Talley moved that Engrossed Third Substitute Senate Bill No. 2048 be placed on the third reading calendar for Monday, April 14, 1975.

Debate ensued.

The motion by Senator Talley failed on a rising vote.

POINT OF INQUIRY

Senator Odegaard: "Would Senator Wanamaker yield? Senator Wanamaker, in the fiscal note it goes into some detail about the number of enforcement units that would be required in this bill. It adds up to one hundred and fourteen units of enforcements and says there are at the present time an estimated thirty-two units, which leaves a net required of eighty-two units of enforcement, and for each unit the cost will be seventeen thousand dollars. Now is there anything in the bill that would mandate that local government would have to come up with that number of units and that particular cost?"

Senator Wanamaker: "There is nothing in the bill that demands anything except a portion of the money raised from this bill will go back to local government for law enforcement. And that is all. There is nothing that mandates the number of boats or anything else."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Third Substitute Senate Bill No. 2048, and the bill passed the Senate by the following vote: Yeas, 29; nays, 19; excused, 1.

Voting yea: Senators Bailey, Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Goltz, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, Morrison, Murray, North, Ridder, Scott, Sellar, Stortini, Wanamaker, Washington—29.

Voting nay: Senator Beck, Bottiger, Francis, Keefe, Lewis (Harry), Matson, Mc-

Dermott, Newschwander, Odegaard, Peterson, Pullen, Rasmussen, Sandison, Talley, Van Hollebeke, von Reichbauer, Walgren, Wilson, Woody—19.

Excused: Senator Gould—1.

ENGROSSED THIRD SUBSTITUTE SENATE BILL NO. 2048, having received the 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 Mardesich served notice that he would, on the next working day, move for reconsideration of the vote by which Engrossed Third Substitute Senate Bill No. 2048 passed the Senate.

PRESENTATION OF CERTIFICATE

Senator Jones presented to former Senator Damon R. Canfield a booklet of the Senator's accomplishments during his service in the Legislature and a certificate of appreciation from the Republican Caucus.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Knoblauch moved that the Senate immediately reconsider the vote by which Engrossed Third Substitute Senate Bill No. 2048 passed the Senate.

PARLIAMENTARY INQUIRY

Senator Bottiger: "Mr. President, do I understand that it takes a two-thirds vote to now immediately consider — a suspension of the rules?"

REPLY BY THE PRESIDENT

The President: "It will require a suspension of the rules in order to immediately reconsider the vote by which the bill was passed."

PARLIAMENTARY INQUIRY

Senator Day: "How many times can we reconsider a bill, Mr. President?"

REPLY BY THE PRESIDENT

The President: "How many times, Senator Day? The Senate in its own judgment can take as much time as it so desires."

REMARKS BY SENATOR DAY

Senator Day: "I believe there is a rule relative to this that says something to the effect that if you make a decision and then you unmake it, then you make it again, that if you would continue with that the body would never arrive at a conclusion. And unless you would rule that this is a new bill." ↘

MOTION

Senator Mardesich moved that the Senate do now adjourn.

PARLIAMENTARY INQUIRY

Senator Washington: "Can a motion to adjourn cut in on a motion to reconsider? If that is true, you could always defeat the motion to reconsider by calling for an adjournment."

REPLY BY THE PRESIDENT

The President: "Prior to the placing of the motion to adjourn, however, the person that is given notice of reconsideration or has the motion pending can put it over to the next day."

Debate ensued.

The motion by Senator Mardesich carried and at 3:20 p.m. the Senate adjourned until 10:15 a.m., Thursday, April 10, 1975.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

TWENTY-EIGHTH DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, April 10, 1975.

The Senate was called to order at 10:15 a.m., by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senator Murray. On motion of Senator Lewis (R. H. "Bob"), Senator Murray was excused.

The Color Guard, consisting of Pages Maureen Roberts and Scott Munson, presented the Colors. Reverend Herbert B. McLellan, Associate to the Rector of St. John's Episcopal Church of Olympia, offered the following prayer:

"O GOD, BY WHOM THE MEEK ARE GUIDED IN JUDGMENT, AND LIGHT RISETH UP IN DARKNESS FOR THE GODDEY; GRANT US, AND ESPECIALLY THIS SENATE CHAMBER, IN ALL OUR DOUBTS AND UNCERTAINTIES, THE GRACE TO ASK WHAT THOU WOULDST HAVE US TO DO, THAT THE SPIRIT OF WISDOM MAY SAVE US FROM ALL FALSE CHOICES, AND THAT IN THY LIGHT WE MAY SEE LIGHT, AND IN THY STRAIGHT PATH MAY NOT STUMBLE. THROUGH JESUS CHRIST OUR LORD. AMEN."

MOTION

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

REPORTS OF STANDING COMMITTEES

April 9, 1975.

SENATE BILL NO. 2328, providing a change in the distribution and utilization of motor vehicle fuel and use taxes (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass.

Signed by: Senators Beck, Benitz, Bottiger, Guess, Jolly, Knoblauch, Morrison, Peterson, Wanamaker.

Passed to Committee on Rules for second reading.

April 8, 1975.

SENATE BILL NO. 2394, authorizing department of natural resources to acquire property for access to state owned or managed lands (reported by Committee on Natural Resources):

MAJORITY recommendation: That Substitute Senate Bill No. 2394 be substituted therefor and the substitute bill do pass.

Signed by: Senators Peterson, Chairman; Beck, Bluechel, Pullen, Sandison, Talley.
Passed to Committee on Rules for second reading.

April 8, 1975.

SENATE BILL NO. 2491, prescribing penalties for a false application relating to licenses issued by the department of fisheries (reported by Committee on Natural Resources):

MAJORITY recommendation: That Substitute Senate Bill No. 2491 be substituted therefor and the substitute bill do pass.

Signed by: Senators Peterson, Chairman; Beck, Bluechel, Pullen, Talley.
Passed to Committee on Rules for second reading.

April 9, 1975.

SENATE BILL NO. 2613, authorizing pre-trial diversion programs approved by the court (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Francis, Chairman; Bottiger, Buffington, Clarke, Jones, Marsh.

Passed to Committee on Rules for second reading.

April 9, 1975.

SENATE BILL NO. 2699, removing time limit of January 1, 1972 for member of judicial retirement system to reinstate self in Washington public employees' retirement system (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended and refer the bill to the Committee on Ways and Means.

Signed by: Senators Francis, Chairman; Bottiger, Buffington, Clarke, Jones, Marsh.

Referred to Committee on Ways and Means.

April 10, 1975.

SENATE BILL NO. 2801, relating to local government (reported by Committee on Local Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Fleming, Chairman; Lewis (R. H. "Bob"), North, Sellar, Talley.

Passed to Committee on Rules for second reading.

April 10, 1975.

SENATE BILL NO. 2855, excluding certain community college faculty appointments from rights relating to tenure (reported by Committee on Higher Education):

MAJORITY recommendation: That Substitute Senate Bill No. 2855 be substituted therefor and the substitute bill do pass.

Signed by: Senators Sandison, Chairman; Benitz, Goltz, Guess, Scott.
Passed to Committee on Rules for second reading.

April 10, 1975.

ENGROSSED HOUSE BILL NO. 139, regulating the sales of valuable material from public lands (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass.

Signed by: Senators Peterson, Chairman; Beck, Pullen, Sandison, Talley.

Passed to Committee on Rules for second reading.

April 9, 1975.

HOUSE BILL NO. 366, changing fuel tax requirements for interstate commercial vehicles (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass.

Signed by: Senators Walgren, Chairman; Beck, Benitz, Bottiger, Jolly, Knoblauch, Morrison, Peterson, Sellar.

Passed to Committee on Rules for second reading.

April 9, 1975.

ENGROSSED HOUSE BILL NO. 437, specifying types of signs permissible which are visible from highways (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass.

Signed by: Senators Walgren, Chairman; Beck, Benitz, Bottiger, Guess, Jolly, Knoblauch, Lewis (R. H. "Bob"), Morrison, Peterson, Wanamaker.

Passed to Committee on Rules for second reading.

April 9, 1975.

ENGROSSED HOUSE BILL NO. 475, amending state higher education personnel law to allow participation of director of the office of program planning and fiscal management on items having financial impact (reported by Committee on Higher Education):

MAJORITY recommendation: Do pass.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Odegaard, Scott.

Passed to Committee on Rules for second reading.

April 9, 1975.

ENGROSSED HOUSE BILL NO. 573, creating grass burning research advisory committee and setting forth its powers and duties (reported by Committee on Ecology):

MAJORITY recommendation: Do pass.

Signed by: Senators Washington, Chairman; Donohue, Goltz, Guess, Sandison.

Passed to Committee on Rules for second reading.

April 9, 1975.

ENGROSSED HOUSE BILL NO. 619, mandating availability of materials on abuses of alcohol in public premises where sold or consumed on campuses of institutions of higher education (reported by Committee on Higher Education):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Sandison, Chairman; Donohue, Goltz, Guess, Odegaard.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE GOVERNOR

Office of the Governor, April 9, 1975.

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

LADIES AND GENTLEMEN:

I have the honor to advise that on April 9, 1975, Governor Evans approved the following Senate Bills, entitled:

SENATE BILL NO. 2096: Providing for study of administrative costs of school districts.

SENATE BILL NO. 2203: Requiring revocation of hunting license on conviction for certain violations against the game code.

Sincerely,
CHI-DOOH LI
Legal Counsel

MESSAGE FROM THE HOUSE

April 9, 1975.

Mr. President: The Speaker has signed SENATE BILL NO. 2021, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

At 10:28 a.m., on motion of Senator Bailey, the Senate recessed until 11:50 a.m.

SECOND MORNING SESSION

The President called the Senate to order at 11:50 a.m.

MOTIONS

On motion of Senator Mardesich, Senate Bill No. 2143 was ordered placed at the end of today's second reading calendar.

On motion of Senator Lewis (Harry), Substitute Senate Concurrent Resolution No. 104 was ordered placed on today's second reading calendar following consideration of Senate Bill No. 2256.

SECOND READING

SENATE BILL NO. 2256, by Senators Francis, Clarke and Woody:

Revising laws relating to remuneration of judges.

The bill was read the second time by sections.

On motion of Senator Clarke, the following amendments by Senators Clarke and Lewis (Harry) were considered and adopted simultaneously:

On page 1, lines 8-15 strike subsection (1) and insert:

"(1) A [superior court] judge of a court of record serving as a judge pro tempore of the supreme court as provided in RCW 2.04.240 shall receive, in addition to his regular salary, [his actual traveling] transportation expenses in accordance with RCW 43.03.060 as now existing or hereafter amended for not to exceed one round trip [at ten cents per mile] from his residence during his term of service as judge pro tempore and [twenty] forty dollars per day [in lieu of] for subsistence and lodging.

On page 1, lines 20-24 strike subsection (2)(a) and insert:

"(a) [His actual traveling] Transportation expenses for not to exceed one round trip [at ten cents per mile] in accordance with RCW 43.03.060 as now existing or hereafter amended from his residence during his term of service as judge pro tempore and [twenty] forty dollars per day [in lieu of] for subsistence and lodging."

On page 2, lines 5-13 strike subsection (3) and insert:

"(3) Whenever a [superior court] judge of a court of record is appointed to serve as judge pro tempore of the supreme court and a visiting judge is assigned to replace him, [the full amount of the actual traveling and living] the visiting judge shall receive transportation expenses in accordance with RCW 43.03.060 as now existing or hereafter amended and forty dollars per day for subsistence and lodging expenses incurred [by such visiting judge] as a result of such assignment which shall be paid upon application of such judge from the appropriation of the supreme court."

MOTION

On motion of Senator Fleming, the amendments by Senators Fleming, Woody and Odegaard on the Secretary's desk were withdrawn.

Senator Marsh moved adoption of the following amendment:

On page 3, line 3, after "and" insert "in court".

On page 3, line 12, after "and" insert "in court".

POINT OF INQUIRY

Senator Mardesich: "I wonder if Senator Marsh would yield to a question? Senator Marsh, I am looking at page 1, line 30, and wondering whether 'in court' should not be inserted after the words 'for each day of' at the end of the line?"

Senator Marsh: "Yes, I would agree."

The motion by Senator Marsh carried and the amendment was adopted.

On motion of Senator Mardesich, the following amendment was adopted:

On page 2, line 1, after "service" and before the colon insert "in court".

MOTIONS

On motion of Senator Lewis (R. H. "Bob"), Senator Jones was excused.

On motion of Senator Francis, the rules were suspended, Engrossed Senate Bill No. 2256 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. 2256, and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 1; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Newschwander, North, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—46.

Absent or not voting: Senator Odegaard—1.

Excused: Senators Jones, Murray—2.

ENGROSSED SENATE BILL NO. 2256, having received the 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 Mardesich, Senate Joint Resolution No. 114 was ordered to hold its place on the second reading calendar for Friday, April 11, 1975.

MOTION

Senator Keefe moved that Senate Joint Resolution No. 101 hold its place on the second reading calendar for Monday, April 14, 1975.

POINT OF INQUIRY

Senator Francis: "Will Senator Keefe yield to a question? Senator Keefe, couldn't you look at it by tomorrow so we could do it on Friday morning instead of Monday?"

Senator Keefe: "I am leaving town tonight to see my doctors. I shall return Monday."

Senator Francis: "Okay, which amendment is it, Senator Keefe? Is this an amendment you are going to propose or an amendment somebody else has proposed that you want to look at?"

Senator Keefe: "Senator von Reichbauer has several amendments which I would rather confer with my county clerk."

Senator Francis: "You mean Senator Van Hollebeke has an amendment? The reason I am asking, this has been on the calendar and on our desks for a week. It has been in Rules for about six weeks, and I am afraid that if we wait until Monday we will run out of time for the House to consider it. It is a major bill of great importance."

POINT OF INQUIRY

Senator Washington: "Would Senator Keefe yield to a question? I am sure I have received much of the same correspondence. It involves a concern on the part of the county clerks that they would no longer be an office under the Constitution, that they would no longer be the clerk of the court by the Constitution. Now I have an amendment on the desk which I am sure will take care of the major problem that they have that they will retain constitutionally their position as clerk of the court. If those are the questions, this amendment would take care of it."

Senator Keefe: "Mr. President, I will hold this over until tomorrow. Hopefully, some experienced attorney will carry the load for me."

MOTION

On motion of Senator Keefe, Senate Joint Resolution No. 101 was ordered to hold its place on the second reading calendar for Friday, April 11, 1975.

SECOND READING

SENATE BILL NO. 2443, by Senators Washington and Murray:
Amending shoreline management laws.

MOTION

On motion of Senator Washington, Substitute Senate Bill No. 2443 was substituted for Senate Bill No. 2443, and the substitute bill was placed on second reading and read the second time in full.

Senator Guess moved adoption of the following amendment by Senators Guess and Murray:

On page 5, section 1, line 18 after "residence" and before "for" insert "*including the minimum fill necessary for the construction of the foundation of such residence, so long as such fill does not encroach upon the floodway of a river or stream*"

POINT OF ORDER

Senator Washington: "I raise the question of scope and object on this particular amendment. We have a bill that is very simple in scope and object. It relates to agricultural problems and to the changing of the definition of a floodway and removing the flood plain from the definition of wetlands in the act. In another area, it provides that where you have canals and wasteways, drains or reservoirs, that they will not be subject to the substantial development provisions of the act for the purpose of construction, operation, and maintenance. The other provision in the act is likewise very narrow. It relates only to the description of agricultural projects, agricultural methods that will likewise be exempt from the substantial development provisions of the act. There are several other small sections which are clarifying in nature only and this clearly expands the scope and object of the bill, bringing in a completely new subject, one which relates to residential fills in a completely different subsection and on a completely different subject.

"Now if I might, while I am on my feet, since the amendments are before you, would it be proper, Mr. President, to also raise scope and object on the other amendments that are on our desks before us?"

MOTION

Senator Mardesich moved that the Senate proceed pending a Ruling by the President on the Point of Order by Senator Washington.

POINT OF ORDER

Senator Washington: "I also raise the other questions of scope and object so that the President may be studying them all at the same time. At this point I raise the scope and object that the amendment starting on page 5, section 1, adding new sections 9, 10, and 11, I raise the same objection; and the amendment on page 11, I also raise the same objection in that it would completely change the provisions as far as forestry practices are concerned under the Shorelines Act and providds that the Shorelines Act would take complete precedence over the provisions in the Shoreline Act, which obviously expands the scope and object even more greatly than the other two do."

POINT OF INQUIRY

Senator Rasmussen: "Will Senator Washington yield to a question? Senator Washington, don't you think you should raise your scope and object on any amendments that are now proposed or hereafter may be proposed?"

Senator Washington: "No."

Senator Rasmussen: "It is apparent that you do not want anybody to try to perfect your bill."

Senator Washington: "No. Do you want the answer to the question?"

Senator Rasmussen: "Yes. Why don't you raise it on all that may be proposed and then the Lieutenant Governor could be studying in the interim?"

Senator Washington: "I think I will just raise those that are before us at the present time and again point out that proper amendments are to change one way or another, perhaps up or down, the particular provisions that are the object of the bill. If someone thinks the floodway should be narrower or expanded somewhat, as proposed here, that would be a proper amendment. If someone wants to add something specific like a chicken house to the provisions of what are agricultural buildings, that would be proper. As long as your amendments relate to the issues that are made in this bill, you have every right to amend, but when you want to expand the scope and object, bring something here on the floor of the Senate that is not in the bill so that the public or no one has the advance notice that you are going to be changing it, that then violates the Constitution, violates our own rules, and of course is to be excluded."

Senator Rasmussen: "Thank you, Senator."

Debate ensued.

POINT OF INQUIRY

Senator Henry: "Will Senator Washington yield to a question? Would you raise the question of scope and object on an amendment to repeal the Shoreline Management Act?"

Senator Washington: "I think I would."

Senator Henry: "It does not expand it, it reduces it."

Senator Washington: "Senator Henry, the Constitution does not say 'expand.' It says 'change.' The rule says you shall not change the scope or object of the bill."

Further debate ensued.

The motion by Senator Mardesich carried and the Senate proceeded, pending a Ruling by the President on the Point of Order by Senator Washington.

SECOND READING

SUBSTITUTE SENATE BILL NO. 2313, by Judiciary Committee (originally sponsored by Senators Morrison and Jones):

Enacting a new criminal code relating to victimless crimes.

MOTION

On motion of Senator Mardesich, Substitute Senate Bill No. 2313 was re-referred to the Judiciary Committee.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of Senate Joint Resolution No. 101. There being no objection, the motion by Senator Keefe to consider Senate Joint Resolution No. 101 on Friday, April 11, 1975 was withdrawn.

SECOND READING

SENATE JOINT RESOLUTION NO. 101, by Senators Francis, Clarke, Marsh, Woody and Jones:

Creating a new judicial article in the Constitution of Washington.

REPORT OF STANDING COMMITTEE

January 30, 1975.

SENATE JOINT RESOLUTION NO. 101, creating a new judicial article in the Constitution of Washington (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after line 9 on page 1 and insert the following:

"ARTICLE IVA
THE JUDICIAL SYSTEM

Article IVA, section 1. JUDICIAL SYSTEM. (1) Court System. The judicial power of the state shall be vested in a judicial system which shall be divided into one supreme court, a court of appeals, a superior court, a district court and such other courts as may be established by law.

(2) Court of Record. The supreme court, the court of appeals, and the superior court shall be courts of record. Any other court may be made a court of record by law.

(3) Right of Review. All parties shall be entitled to at least one review, except in civil cases of minor significance as designated by law. A trial de novo, as authorized by law, does not constitute a review.

(4) Operations. When necessary for the effective administration of justice, justices and judges may, pursuant to law, be directed or permitted to perform, temporarily, judicial duties in any court of record. Any justice or judge may also, upon request and at his discretion, temporarily perform judicial duties in any court not of record. Retired justices or judges may, upon request and at their discretion, temporarily perform judicial duties in any court as provided by law.

(5) Decisions. All determinations of causes by any court shall be documented as required by law or rule.

(6) Decision Time Limits. The legislature, by law, shall prescribe time limits from the time of the submission of the cause within which decisions shall be rendered. The time limits shall not be less than six months for the supreme court, not less than four months for the court of appeals, and not less than three months for the superior court.

(7) Funding. The legislature shall provide the method of funding the operations of the courts to the extent it deems necessary.

Article IVA, section 2. SUPREME COURT. (1) Number. The supreme court shall be not less than five nor more than seven justices as may be provided by law: PROVIDED, That among the nine present members of the court, the positions of the first two justices to leave the court through death, resignation, or retirement shall not be considered vacancies and shall not be filled by appointment or election.

(2) Writs and Process. The supreme court shall have discretionary jurisdiction in habeas corpus, quo warranto, mandamus, certiorari, review and prohibition. It shall also have the power to issue writs, including such writs as the legislature may ordain, and process necessary or appropriate to secure justice to the parties and in aid of its jurisdiction.

(3) Appellate Jurisdiction. The supreme court shall have appellate jurisdiction over all judgments imposing a sentence of death or life imprisonment and shall have power to assume appellate jurisdiction over any other court decision. Appellate jurisdiction of decisions of other courts or administrative agencies shall be exercised as provided by law or by rule authorized by law.

Article IVA, section 3. COURT OF APPEALS. (1) Number. The number of judges of the court of appeals shall be as provided by law.

(2) Jurisdiction. The jurisdiction of the court of appeals shall be as provided by law or rule authorized by law.

Article IVA, section 4. SUPERIOR COURT. (1) Number. The number of judges of the superior court shall be as provided by law.

(2) Jurisdiction. The superior court shall have original jurisdiction in all cases except as to any limited original or concurrent jurisdiction as may be assigned to other courts by the legislature. The superior court shall also have such appellate jurisdiction as may be assigned by law. Judges of the superior court shall have the power to issue writs, including such writs as the legislature may ordain, and process necessary or appropriate to secure justice to parties and in aid of its jurisdiction.

Article IVA, section 5. DISTRICT COURTS. (1) Number. The number of judges of the district court shall be as provided by law.

(2) Jurisdiction. The district court shall have such jurisdiction as may be assigned by the legislature, provided, such courts shall not have jurisdiction of felonies or in civil cases where the boundaries or title to real property shall be in question.

Article IVA, section 6. JUDGES PRO TEMPORE. A case in the superior court or district court may be tried by a judge, pro tempore, who must be admitted to the practice of law in the state of Washington, agreed upon by the parties litigant or their attorneys of record, approved by the court and sworn to try the case. Such service shall not preclude such person from holding another public office during or after his service as a judge pro tempore.

Article IVA, section 7. ELIGIBILITY OF JUSTICES AND JUDGES. To be eligible for appointment or election to a judicial position in a court of record or district court, the person must be domiciled within the state, a citizen of the United States, and admitted to the practice of law in the state of Washington.

Article IVA, section 8. ELECTION, APPOINTMENT AND TERMS OF JUSTICES AND JUDGES. (1) Method. Justices and judges shall be elected by the electorate as provided by law: PROVIDED, No person who meets the qualifications in Article IVA, section 7, shall be precluded from filing as a candidate for election to a judicial position.

(2) Term of Office. The term of office for justices of the supreme court and for judges of the court of appeals shall be eight years and for judges of the superior court and the district court six years commencing on the second Monday in January following the election of the justice or judge. The term of office for judges of any other courts as may be established by the legislature shall be as provided by law.

(3) Vacancies in Judicial Positions. If a vacancy occurs in the office of a justice of the supreme court or a judge of the court of appeals or the superior court, the governor shall appoint a person residing in the electoral area served by such court to hold the office until the election and qualification of a justice or judge to fill the vacancy, which election shall take place at the next succeeding general election, and the justice or judge so elected shall hold office for the remainder of the unexpired term. A vacancy in the office of a judge of a district court or of a judge of any other courts as may be established by the legislature shall be filled as provided by law.

(4) Electorate. The electorate of the entire state shall vote on justices of the supreme court. The electorate for other judges shall be as provided by law.

(5) Times of Voting. Justices and judges shall be voted on at general elections unless provided otherwise by law.

(6) Nonpartisan. All judicial elections shall be nonpartisan.

Article IVA, section 9. OATHS. Every justice and judge shall, before entering upon the duties of his office, take and subscribe an oath that he will support the Constitutions of the United States and of the state of Washington, and will faithfully and impartially discharge his judicial duties to the best of his ability, which oath shall be filed in the office of the secretary of state.

Article IVA, section 10. COMPENSATION. Compensation for justices and judges

shall be fixed and paid as provided by law but shall not be diminished during the term of a justice or judge.

Article IVA, section 11. RESTRICTION. (1) Practice of Law and Other Employment. No justice or judge of a court of record shall engage in the practice of law or hold other employment during the time in which he holds office.

(2) Politics. Any justice or judge shall be ineligible to hold any other office or public employment other than a judicial office, during the term for which he shall have been elected; nor shall he make contributions for the election of any public official; nor engage in any political activities in support of any candidacy or ballot issue other than his own candidacy.

Article IVA, section 12. RETIREMENT. Any justice or judge shall retire from office at the end of the calendar year in which the age of seventy-five years is attained. The legislature may provide for a lesser age for mandatory retirement, not earlier than the end of the calendar year in which any justice or judge attains the age of seventy years.

Article IVA, section 13, DISCIPLINE AND REMOVAL. (1) Judicial Qualifications Commission. There shall be a commission on judicial qualifications. The commission shall be composed of an appellate court judge, appointed by the chief justice, a superior court judge, selected by the superior court judges, a district court judge, selected by the district court judges, two lawyers admitted to the practice of law in the state of Washington appointed by the Washington State Bar Association and four lay citizens selected by the governor. Procedures of the commission and the terms of office of its members shall be prescribed by law.

(2) Powers of Commission. The judicial qualifications commission for cause may recommend to the supreme court that any justice or judge be suspended, removed or otherwise disciplined for misconduct in office or for wilful or persistent failure to perform his duties. The commission may also recommend to the supreme court that a justice or judge be retired for disability seriously interfering with the performance of his duties which is of a permanent character.

(3) Supreme Court Review. Upon a recommendation for disciplinary action by the judicial qualifications commission, the supreme court shall hold a hearing to review the records of the proceedings of the commission on the law and facts, and in its discretion, may order retirement, suspension, removal, or any other appropriate discipline as it finds just and proper. Upon an order for involuntary retirement for a permanent disability, the justice or judge shall thereby be retired with the same rights and privileges as if he retired pursuant to law. Upon an order for removal, the justice or judge shall thereby be removed from office and his salary shall cease from the date of such order. On the entry of an order for retirement or for removal, the office shall be deemed vacant.

Article IVA, section 14. THE CHIEF JUSTICE. (1) Selection and Term. The chief justice shall be selected from the elected membership of the supreme court by a majority vote of the court for a term of four years and shall serve at the pleasure of the court. He may be selected to not more than two consecutive terms as chief justice upon a majority vote of the court, but no such selection shall extend the term of a justice. The term of the chief justice first selected shall commence on the effective date of this article and continue for the term herein provided and until his successor is selected by the court.

(2) Administrative Role. The chief justice shall be the chief administrative officer of the judicial system of the state of Washington and shall supervise and direct the performance of the management and administrative duties of the judicial system and shall preside at sessions of the supreme court. The supreme court may select an acting chief justice from the membership of the supreme court pursuant to rule to perform the duties of the chief justice in his absence.

Article IVA, section 15. PROCEDURE. The supreme court shall have authority to adopt rules for the procedure of all courts.

Article IVA, section 16, MANAGEMENT AND ADMINISTRATION. (1) Responsibility. Responsibility for the management and administration of the judi-

cial system shall be vested in the supreme court and exercised pursuant to supreme court rule unless provided otherwise by law.

(2) Court Administrator. The supreme court shall appoint a court administrator and such other personnel as the court may deem necessary to aid the administration of the courts.

(3) Administrative Regions. The state may be divided into judicial regions for administrative purposes pursuant to supreme court rule. A region may embrace one or more trial court levels and one or more counties.

(4) Chief Judge. The judges of such administrative regions as shall be created by supreme court rule shall select one of their members to serve as chief administrative judge. Such chief administrative judge shall serve for such period of time as may be provided by supreme court rule. Subject to rules of the supreme court, the chief administrative judge of a region shall have general administrative authority over all courts within his region.

Article IVA, section 17. COURT COMMISSIONERS. The legislature may, by law, provide for court commissioners for each trial court level.

Article IVA, section 18. CHARGING JURIES. Judges shall not charge juries with respect to matters of fact, nor comment thereon, but shall declare the law.

Article IVA, section 19. TRANSITION AND SAVINGS. The adoption of this article shall not be construed to affect any existing right acquired under any statute, rule, regulation, resolution, ordinance, or order promulgated pursuant to and taking its validity from such superseded constitutional provision; nor as affecting any actions, activities, or proceedings validated thereunder, nor as affecting any civil or criminal proceedings instituted thereunder, nor the term of office, or appointment or employment of any person appointed or elected thereunder. All rights coming into existence and occurring on or after the effective date of this article shall be governed by the provisions of this article as though the article superseded hereby never existed.

Article IVA, section 20. EFFECTIVE DATE. This article, if approved by the voters, will become effective on the first day of July, 1977.

Article IVA, section 21. NEW ARTICLE. Sections 1 through 20 of this joint resolution shall constitute a new article number IVA in the Constitution of the state of Washington.

Article IVA, section 22. REPEALER. The following article of the Constitution of the state of Washington, or parts thereof, or amendments thereto, are each hereby repealed:

- (1) Article IV, sections 1 through 30.
- (2) Amendment 25.
- (3) Amendment 28.
- (4) Amendment 38.
- (5) Amendment 41.
- (6) Amendment 50.

BE IT FURTHER RESOLVED, That the secretary of state shall cause 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."

Signed by: Senators Francis, Chairman; Buffington, Clarke, Fleming, Jones, Marsh, Scott, Van Hollebeke.

The bill was read the second time by sections.

Senator Francis moved adoption of the committee amendment.

MOTIONS

There being no objection, all amendments by Senator Lewis (Harry) to Senate Joint Resolution No. 101 on the Secretary's desk were withdrawn.

Senator Newschwander moved adoption of the following amendment to the committee amendment:

On page 2, after line 7, insert the following:

"(8) The judicial branch of the government of the state shall be subject to audit by the state auditor to the extent provided by law."

Debate ensued.

POINT OF INQUIRY

Senator Bailey: "Would Senator Francis yield? Senator Francis, is there anything in Senate Joint Resolution No. 101 that refers to the Bar Association in any place?"

Senator Francis: "Senator Bailey, at one point in one draft earlier on the Bar Association was used as a reference for qualifications for serving as a judge, to be a member of the Bar Association. That has been deleted just because we did not want to have any constitutional references to something that was only created by statute rather than by the Constitution and which we might well at some future time dissolve or make voluntary rather than mandatory in some way. So as of now, my recollection is that we have no references to the Bar Association whatsoever in this proposal."

POINT OF ORDER

Senator Marsh: "Mr. President, following that discussion I would like to raise the question of scope and object of this particular amendment."

MOTION

At 12:35 p.m., on motion of Senator Mardesich, the Senate recessed until 1:15 p.m.

AFTERNOON SESSION

The President called the Senate to order at 1:15 p.m.

MOTION

On motion of Senator Donohue, the Committee on Ways and Means was relieved from further consideration of Senate Bill No. 2628.

On motion of Senator Donohue, Senate Bill No. 2628 was re-referred to the Committee on Higher Education.

MOTION

On motion of Senator Knoblauch, Senator Herr was excused.

SECOND READING

SENATE JOINT RESOLUTION NO. 101, by Senators Francis, Clarke, Marsh, Woody and Jones:

Creating a new judicial article in the Constitution of Washington.

The Senate resumed consideration of Senate Joint Resolution No. 101. Earlier today Senator Marsh raised a Point of Order on the following amendment by Senator Newschwander:

On page 2, after line 7, insert the following:

"(8) The judicial branch of the government of the state shall be subject to audit by the state auditor to the extent provided by law."

REMARKS BY SENATOR FRANCIS

Senator Francis: "Mr. President, if it is in order, I would like to respond further to the question that was asked of me, before we took the noon break, by Senator Bailey. Senator Bailey asked me if there was any reference in here to the Bar Association and I was mistaken. On looking further I do find there is one reference on page 5 where we are talking about the discipline and removal commission. I do not remember exactly where I found it now except that I did find it. Line 14 of page 5? I must be looking at the wrong copy of it. In any event, yes, it provides that the Bar Association will name the two attorney members of the discipline and removal commission, so they are mentioned there and it is appropriate at that point."

RULING BY THE PRESIDENT

The President: "In ruling on the Point of Order as raised by Senator Marsh, the President finds that Senate Joint Resolution No. 101 is a broad proposed constitutional amendment which defines the make-up and duties of the judiciary and provides for the funding of the operations of the court. The proposed amendment merely provides that the courts shall be subject to audit as are other branches of government.

"The amendment in no way increases the scope and object of the resolution, but merely clarifies that the funds already provided for in the resolution will be subject to audit.

"The Point of Order is not well taken."

The President declared the question before the Senate to be the amendment by Senator Newschwander to the committee amendment.

POINT OF INQUIRY

Senator Woody: "Would Senator Newschwander yield? That case that you mentioned in which you say that the determination was made that the Bar Association was not subject to audit because of the separation of power doctrine; was that a superior court decision or a Supreme Court decision?"

Senator Newschwander: "I do not remember for sure, but I am going to say superior court but I do not see what difference it makes whether it is superior court or supreme court. Being a layman, but I am just taking it off the top, I believe it was a superior court, though."

Senator Woody: "I understand from Senator Francis that it was Judge James Dore, a superior court decision, which of course, under the rule of stare decisis does not mean it is the law of the land of the state of Washington. It would be my analysis that the Bar Association exists only because of statute. We cannot create by statute a judicial branch. Therefore, even if your amendment were to pass, that would not make the Bar Association within the judicial branch but would rather be a statutory agency."

Senator Francis: "I might add further, and that was my reading of it also, Mr. President, that the judicial branch to the extent it means the courts themselves, of course, is already audited and so we would not need to add that in to have them subject to audit."

Debate ensued.

POINT OF INQUIRY

Senator Mardesich: "Would Senator Newschwander yield please? Senator Newschwander, is it your intention that this amendment would cover the Bar Association also?"

Senator Newschwander: "Yes."

POINT OF INQUIRY

Senator Bailey: "Mr. President, maybe Senator Clarke would yield? Senator Clarke, I have a feeling that if they are going to manage these public funds that they should be accountable to someone and I feel that Senator Newschwander's amendment should prevail unless you can clarify something for me and that is; under this proposed amendment then, do they have control, strict control, over the collection of fees and things of that type or does it come through the regular budgetary process that we have now?"

Senator Clarke: "Responding to your question, Senator Bailey, we discussed this at the time that we adopted (7) on page 2 which is lines 5 to 7 which reads, 'The legislature shall provide the method of funding the operation of the court.' As originally written, it stopped there and we specifically included the following wording: 'To the extent it deems necessary.' Now that was for the express purpose of making it clear that insofar as providing the availability of funds it was entirely discretionary with the legislature. Now going further, however, I do not think there is anything in the article as presently written which would enable one of the other branches to, in effect, audit what the judicial branch did with the funds after it was appropriated to them. So obviously, of course, it is the Constitution which provides for the limitation as between the three different sections of government as to where they should overlap and to what extent, so I think this is

a question of philosophy as to whether it is desirable that a separate department be given the right to, in substance, actually audit what the judicial branch does with the money which the legislature in its discretion may appropriate to the judicial branch."

The motion by Senator Newschwander carried and the amendment to the committee amendment was adopted.

Senator Van Hollebeke moved adoption of the following amendment to the committee amendment:

On page 2, line 9, of the Senate Committee amendment strike "seven" and insert "nine".

Debate ensued.

POINT OF INQUIRY

Senator Knoblauch: "Would Senator Clarke yield to a question? Senator, I have not had a chance to read the bill. When you reduce it from nine to seven, which two judges would be dropped from the court?"

Senator Clarke: "I can find you the exact provision, but my recollection is that as the terms expire you simply do not fill that term of the one whose term first expires until you have accomplished the reduction down to seven."

Senator Knoblauch: "Could you tell me the names of the two men whose terms expire?"

Senator Clarke: "I do not know that."

Further debate ensued.

The motion by Senator Van Hollebeke carried and the amendment to the committee amendment was adopted.

On motion of Senator Van Hollebeke, the following amendment to the committee amendment was adopted:

On page 2, line 10, of the Senate Committee amendment following "law" strike all the matter down through "elections" on line 14.

Senator Grant moved adoption of the following amendment:

On page 3, line 29 of the Judiciary Committee Amendment, after "(2) Term of Office." strike all the language down through the period on line 35 and insert "The term of office for justices of the supreme court, judges of the court of appeals, judges of the superior court and judges of the district court shall commence at the general state election at the times and places at which state officers are elected, unless some other time be provided by the legislature."

PARLIAMENTARY INQUIRY

Senator Bluechel: "I have an amendment that would do just exactly the opposite of what Senator Grant is wishing to do and I am questioning the place to put it in the article. He has placed his in the terms of office and my amendment would be on the next page and under times of voting; and I think for clarity both should be in one place or the other because they contradict each other, if they are being debated."

Debate ensued.

REPLY BY THE PRESIDENT

The President: "The President in replying to Senator Bluechel's point, wishes to state that it is up to the individual Senator who proposed an amendment to determine the place in the bill that he wishes to amend, and then, Senator Bluechel, in further reply, it is the body's determination as to which amendment they care to adopt or reject."

There being no objection, the amendment by Senator Grant was withdrawn.

Senator Morrison moved adoption of the following amendment:

On page 3, line 21, after "and" and before "admitted" insert " , with respect to courts of record,".

POINT OF INQUIRY

Senator Wilson: "Would Senator Francis yield? Since the subject of the district court judges has been raised, maybe if you would answer a question or two it would

clear up a certain amount of confusion among the troops back here. In Okanogan County, for example, one of our district court judges is a layman. The other district court judge is an attorney who, however, is practicing law. This is with respect to a fourth class county. My question is, with respect to this amendment as presently worded, would either of these judges or any other judges falling within either of their categories be eliminated from continuing to fill their offices?"

Senator Francis: "Senator Wilson, now when you say this amendment, are you talking about this constitutional amendment? Okay. Now if this constitutional amendment is adopted without Senator Morrison's amendment, then the non-attorney judge would not be able to serve as a district court judge. The attorney could continue, and there is no prohibition here from having a part-time district court judge, but the philosophy behind the judicial article as put out by the Judiciary Committee was that in addition to everything else we are trying to upgrade the quality of justice that is delivered and to meet with that body of authority that says that you are not getting a full-fledged judge when you have a non-attorney judge."

Senator Wilson: "But you have said, Senator, that if the Morrison amendment is adopted neither of the two categories that I have mentioned would be eliminated?"

Senator Francis: "That is correct, Senator Wilson."

POINT OF INQUIRY

Senator Talley: "Would Senator Francis yield please? In Wahkiakum County we have two attorneys and one is the prosecuting attorney and the other attorney is not interested in being a judge at all. We have a layman for a judge. Under the Morrison amendment he could stay then? Is that correct?"

Senator Francis: "Under the Morrison amendment there would be no prohibition from having a non-attorney district court judge. That is correct, Senator Talley. I would imagine he could stay, not knowing all the other details. I think Senator Woody would probably have a more detailed response to that in connection with Senate Bill No. 2091, but I will wait until you ask him."

Debate ensued.

REMARKS BY SENATOR WOODY

Senator Woody: "Senator Talley, if you will look on page 7, lines 4 through 6, it provides the legislature may by law provide for court commissioners for each trial court level, which includes district court. The man that you are speaking of would then by legislation be permitted to act as a court commissioner, which in a district court level can hear cases totally."

Further debate ensued.

The motion by Senator Morrison carried and the amendment to the committee amendment was adopted.

MOTION

On motion of Senator Knoblauch, Senator Odegaard was excused.

Senator Newschwander moved adoption of the following amendment by Senators Newschwander and Morrison to the committee amendment:

On page 3, line 30, strike "eight" and insert "six", and on page 3, line 31, strike "six" and insert "four".

Debate ensued.

Senator von Reichbauer demanded a roll call and the demand was sustained by Senators Washington, Fleming, Grant, Mardesich, Francis, Lewis (Harry), Newschwander, Morrison and Stortini.

The President declared the question before the Senate to be the roll call on the amendment by Senators Newschwander and Morrison 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, 16; nays, 31, excused, 2.

Voting yea: Senators Bailey, Beck, Grant, Mardesich, Marsh, Matson, Morrison.

Newschwander, Peterson, Rasmussen, Ridder, Sandison, Scott, Stortini, von Reichbauer, Wilson—16.

Voting nay: Senators Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), McDermott, North, Pullen, Sellar, Talley, Van Hollebeke, Waigren, Wanamaker, Washington, Woody—31.

Excused: Senators Murray, Odegaard—2.

Senator Bluechel moved adoption of the following amendment to the committee amendment:

On page 4, line 15 of the amendment, after "elections" insert "in odd-numbered years".

Debate ensued.

MOTION FOR RECONSIDERATION

On motion of Senator Donohue, the Senate moved to reconsider the vote by which the following amendment by Senators Newschwander and Morrison to the committee amendment failed to pass the Senate:

On page 3, line 30, strike "eight" and insert "six", and on page 3, line 31, strike "six" and insert "four".

The President declared the question before the Senate to be adoption of the amendment by Senators Newschwander and Morrison to the committee amendment.

On reconsideration, the Senate adopted the amendment by Senators Newschwander and Morrison to the committee amendment.

The President declared the question before the Senate to be the amendment by Senator Bluechel to the committee amendment.

The motion by Senator Bluechel failed and the amendment to the committee amendment was not adopted.

Senator Newschwander moved adoption of the following amendment to the committee amendment:

On page 5, line 3 of the amendment, strike "seventy-five" and insert "seventy" and on line 6 strike "seventy" and insert "sixty-five".

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Senator Marsh, refresh my mind. The new present proposed pension law, what does it provide?"

Senator Marsh: "With respect to what?"

Senator Rasmussen: "To retirement. Senate Bill No. 2765."

Senator Marsh: "It provides for full retirement benefits at age 65. It does not provide for mandatory retirement."

Senator Rasmussen: "No mandatory retirement?"

Senator Marsh: "No."

Senator Rasmussen: "Thank you, Senator Marsh."

Further debate ensued.

The motion by Senator Newschwander failed and the amendment to the committee amendment was not adopted.

On motion of Senator Washington, the following amendment to the committee amendment was adopted:

Amend the Senate Judiciary Committee Amendment as follows:

On page 7, following line 9 of the committee amendment add a new section to read as follows:

"Article IVA, section 19. CLERK OF THE SUPERIOR COURT. The county clerk shall be, by virtue of his office, clerk of the superior court."

Renumber the succeeding sections.

The motion by Senator Francis carried and the committee amendment, as amended, was adopted.

On motion of Senator Francis, the rules were suspended, Engrossed Senate Joint

Resolution No. 101 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 Joint Resolution No. 101, and the resolution passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1. Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Newschwander, North, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—47.

Voting nay: Senator Pullen—1.

Excused: Senator Murray—1.

ENGROSSED SENATE JOINT RESOLUTION NO. 101, having received the constitutional two-thirds majority, was declared passed.

PARLIAMENTARY INQUIRY

Senator Knoblauch: "I want to know, Mr. President, that unless we advance to the eighth order of business that Third Substitute Senate Bill No. 2048 still stays in the Senate."

REPLY BY THE PRESIDENT

The President: "Yes, Senator."

MOTION

At 2:40 p.m., on motion of Senator Mardesich, the Senate adjourned until 10:15 a.m., Friday, April 11, 1975.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

TWENTY-NINTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, April 11, 1975.

The Senate was called to order at 10:15 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Keefe, Walgren, Buffington, Guess and Newschwander. On motion of Senator Knoblauch, Senators Keefe and Walgren were excused. On motion of Senator Lewis (R. H. "Bob"), Senators Buffington, Guess and Newschwander were excused.

The Color Guard, consisting of Pages Moana Holbron and Kerby Macrae, presented the Colors. Reverend Herbert B. McLellan, Associate to the Rector of St. John's Episcopal Church of Olympia, offered the following prayer:

"O LORD OUR GOVERNOR, WHOSE GLORY IS IN ALL THE WORLD; WE COMMEND THIS STATE TO THY MERCIFUL CARE, THAT BEING GUIDED BY THY PROVIDENCE, WE MAY DWELL SECURE IN THY PEACE. GRANT TO THIS SENATE BODY AND TO ALL IN AUTHORITY, WISDOM AND STRENGTH TO KNOW AND TO DO THY WILL. FILL THEM WITH THE LOVE OF TRUTH AND RIGHTEOUSNESS; AND MAKE THEM EVER MINDFUL OF THEIR CALLING TO SERVE THIS PEOPLE IN THY FEAR; THROUGH JESUS CHRIST OUR LORD, WHO LIVETH AND REIGNETH WITH THEE AND THE HOLY GHOST, ONE GOD, WORLD WITHOUT END. AMEN."

MOTION

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

REPORT OF STANDING COMMITTEE

April 11, 1975.

SENATE BILL NO. 2083, prohibiting possession of weapons on capitol grounds (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Francis, Chairman; Clarke, Fleming, Jones, Marsh, Van Hollebeke

Passed to Committee on Rules for second reading.

April 10, 1975.

SENATE BILL NO. 2100, providing for licensing and regulating medical laboratories (reported by Committee on Social and Health Services):

Recommendation: That Substitute Senate Bill No. 2100 be substituted therefor and that the substitute bill do pass.

Signed by: Senators Day, Chairman; von Reichbauer, Vice Chairman; Buffington, Cunningham, Francis, Goltz, Gould, Herr, McDermott, North, Pullen, Ridder, Van Hollebeke.

Passed to Committee on Rules for second reading.

April 9, 1975.

SENATE BILL NO. 2181, defining gravely disabled (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended by Committee on Judiciary.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Bailey,

Clarke, Fleming, Jones, Lewis (Harry), Mardesich, Marsh, Murray, Newschwander, Sandison, Washington.

Passed to Committee on Rules for second reading.

April 9, 1975.

SENATE BILL NO. 2254, authorizing "in-kind" services by local bodies as matching fund (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; von Reichbauer, Vice Chairman; Goltz, Herr, McDermott, Ridder, Van Hollebeke.

MINORITY recommendation: That the amended bill do not pass.

Signed by: Senators Buffington, Cunningham, Gould, North.

Passed to Committee on Rules for second reading.

April 8th, 1975.

SENATE BILL NO. 2428, amending laws relating to superintendents of public hospitals (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; von Reichbauer, Vice Chairman; Buffington, Cunningham, Francis, Goltz, North, Ridder.

Passed to Committee on Rules for second reading.

April 9, 1975.

SENATE BILL NO. 2615, requiring prosecuting attorneys to represent petitioners in cases of involuntary commitment of alcoholics (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; von Reichbauer, Vice Chairman; Cunningham, Goltz, McDermott, North, Ridder.

Passed to Committee on Rules for second reading.

April 9, 1975.

SENATE BILL NO. 2724, authorizing political subdivisions to license vehicle dealers (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: That Substitute Senate Bill No. 2724 be substituted therefor and the substitute bill do pass.

Signed by: Senators Walgren, Chairman; Henry, Vice Chairman; Beck, Bottiger, Jolly, Knoblauch, Morrison, Peterson, Talley.

Passed to Committee on Rules for second reading.

April 10, 1975.

SENATE BILL NO. 2727, setting compensation for port commissioners (reported by Committee on Local Government):

MAJORITY recommendation: That Substitute Senate Bill No. 2727 be substituted therefor and the substitute bill do pass.

Signed by: Senators Fleming, Chairman; Lewis, R. H. "Bob", North, Sellar, Talley.

Passed to Committee on Rules for second reading.

April 8, 1975.

SENATE BILL NO. 2829, relating to sentencing procedures (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Francis, Chairman, Bottiger, Buffington, Clarke, Jones, Woody.

Passed to Committee on Rules for second reading.

April 10, 1975.

SENATE BILL NO. 2894, permitting ambulance service to claim lien against a tort-feasor (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; von Reichbauer, Vice Chairman; Buffington, McDermott, North, Pullen, Ridder.

Passed to Committee on Rules for second reading.

April 9, 1975.

SENATE BILL NO. 2895, amending law relating to blind vendors in public buildings (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; von Reichbauer, Vice Chairman; Buffington, Cunningham, Francis, Goltz, Ridder.

Passed to Committee on Rules for second reading.

April 10, 1975.

SENATE BILL NO. 2939, permitting domestic wineries to sell at retail (reported by Committee on Commerce):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Van Hollebeke, Chairman; Morrison, Peterson, Ridder.

Passed to Committee on Rules for second reading.

April 9, 1975.

SENATE BILL NO. 2947, permitting renewal of judgment liens (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Bottiger, Buffington, Fleming, Jones, Marsh.

Passed to Committee on Rules for second reading.

April 10, 1975.

SENATE JOINT RESOLUTION NO. 124, amending the Constitution to allow grant of pension to surviving spouse of public officers (reported by Committee on State Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Rasmussen, Chairman; Cunningham, Day, Henry, Knoblauch, Wanamaker.

Passed to Committee on Rules for second reading.

April 10, 1975.

SUBSTITUTE HOUSE BILL NO. 246, requiring plaintiff in medical malpractice action to prove defendant failed to exercise standard of care of profession (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; von Reichbauer, Vice Chairman; Francis, Goltz, Gould, North, Pullen, Ridder, Van Hollebeke.

Passed to Committee on Rules for second reading.

April 10, 1975.

ENGROSSED HOUSE BILL NO. 474, authorizing cities to provide ambulance services and impose taxes for the support thereof (reported by Committee on Local Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Fleming, Chairman; Lewis (R. H. "Bob"), North, Sellar, Talley.

Passed to Committee on Rules for second reading.

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

MOTION

On motion of Senator Mardesich, Senate Bill No. 2962 was ordered held on the Introduction and First Reading calendar for Friday, April 18, 1975.

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 of C. Earl Torgeson, county commissioner of Snohomish County, and Earl Averill, major league baseball Hall of Fame member from the state of Washington. The President appointed Senators Woody, Lewis (Harry), Mardesich, Cunningham, Peterson and Jones to escort the honored guests to the Senate rostrum.

On motion of Senator Woody, all members of the Senate were added as additional sponsors to Senate Resolution 1975-30.

Senator Woody moved adoption of the following resolution:

SENATE RESOLUTION 1975-30

By Senators Woody, Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington and Wilson:

WHEREAS, Earl Averill "The Earl of Snohomish" was recently elected to major league baseball's "Hall of Fame"; and

WHEREAS, Earl is the first native Washingtonian to have such honor bestowed on him; and

WHEREAS, Snohomish, Washington is Earl's birthplace and current residence; and

WHEREAS, Many residents of this state witnessed Earl's development as an outstanding baseball player; and

WHEREAS, Earl's major league career, primarily with the Cleveland Indians, was highlighted by several appearances in baseball's mid-summer classic, The All-Star game; and

WHEREAS, A .318 lifetime batting average with 238 home runs and 128 triples are impressive career totals which aided Earl's election as a true "Hall of Famer"; and

WHEREAS, Both as an athlete and a businessman, the Earl of Snohomish has conducted himself with honor and dignity; and

WHEREAS, Such a lifestyle has earned him the respect of his fellow players, his fans, and his fellow citizens alike;

NOW, THEREFORE, BE IT RESOLVED, By the Senate, That the state of Washington is proud of the many athletic and personal accomplishments and that in recognition of such accomplishments the Senate does hereby extend its most hearty congratulations to Earl Averill;

BE IT FURTHER RESOLVED, That the Secretary of the Senate transmit a suitable copy of this resolution to Earl Averill.

With permission of the Senate, business was suspended to permit Mr. Torgeson and Mr. Averill to address the Senate.

The motion by Senator Woody carried and the resolution was unanimously adopted.

MOTION

At 10:43 a.m., on motion of Senator Mardesich, the Senate recessed until 11:55 a.m.

SECOND MORNING SESSION

The President called the Senate to order at 11:55 a.m.

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

SECOND READING

SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 104, by Committee on Labor (originally sponsored by Senators Grant, Morrison and Ridder):

Providing task force to study problems related to employment in nursing homes.

The Senate resumed consideration of Substitute Senate Concurrent Resolution No. 104. On Friday, April 4, 1975, Senator Lewis (Harry) moved adoption of four amendments simultaneously. There being no objection, the amendments proposed by Senator Lewis (Harry) were withdrawn.

Senator Lewis (Harry) moved that the following amendments be considered and adopted simultaneously:

On page 1, line 19 after "concurring" strike "that an Ad Hoc Task Force shall be established to propose" and insert "that the standing committees on Ways and Means of each legislative body propose, after study,"

On page 1, line 26 after "descriptions" strike "to prevent the use of aides and orderlies in the capacity of LPN's"

On page 2, line 3 strike all material down through "member" on line 14 and insert: "BE IT FURTHER RESOLVED, That the committees shall, in their investigation of the areas committed to them for study, consult with state agencies, professional associations, labor organizations, owners, operators, and others concerned with nursing home care in the state."

On page 2, line 15 strike "Task Force is granted the power to subpoena witnesses, and" and insert "committees"

On motion of Senator Grant, the question was divided.

Senator Lewis (Harry) moved that the amendments to page 1, line 19 and to page 2, line 2 be adopted.

Debate ensued.

The motion by Senator Lewis (Harry) carried and the amendments were adopted.

On motion of Senator Lewis (Harry), the amendments to page 1, line 26 and to page 2, line 15 were adopted.

On motion of Senator Grant the rules were suspended, Engrossed Substitute Senate Concurrent Resolution No. 104 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. 104, and the resolution passed the Senate by the following vote: Yeas, 42; nays, 2; absent or not voting, 1; excused, 4.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Washington, Wilson, Woody—42.

Voting nay: Senators Clarke, Wanamaker—2.

Absent or not voting: Senator Henry—1.

Excused: Senators Buffington, Guess, Keefe, Walgren—4.

ENGROSSED SUBSTITUTE SENATE CONCURRENT RESOLUTION NO. 104, having received the constitutional majority, was declared passed.

MOTION

On motion of Senator Mardesich, Senate Joint Resolution No. 114 was ordered to hold its place on the second reading calendar for Monday, April 14, 1975.

SECOND READING

SUBSTITUTE SENATE BILL NO. 2443, by Senators Washington and Murray:
Amending shoreline management laws.

The Senate resumed consideration of Substitute Senate Bill No. 2443. On Thursday, April 10, 1975, Senator Washington raised a Point of Order on the following amendment by Senators Guess and Murray:

On page 5, section 1, line 18 after "residence" and before "for" insert "*including the minimum fill necessary for the construction of the foundation of such residence, so long as such fill does not encroach upon the floodway of a river or stream*"

RULING BY THE PRESIDENT

The President: "The President determines that Substitute Senate Bill No. 2443 is a measure which exempts from shoreline management jurisdiction certain irrigation activities in the business of agriculture. The proposed amendments by Senator Guess and Senator Murray would further remove from the jurisdiction of the Shoreline Management Act fill work for any residential construction. Although the amendment appears to be a nominal change in the bill, actually it would include exemptions for activities on one hundred percent of the shorelands covered by the original act. The bill, however, being limited to agricultural areas, actually only affects a small percentage of shorelands. The exemption in the proposed amendment is not limited to agricultural activities or irrigation work and therefore does increase the scope and object of the bill. The point is well taken."

The amendment by Senators Guess and Murray to page 5, line 18 was ruled out of order.

PARLIAMENTARY INQUIRY

Senator Washington: "As we pointed out, there are the series of amendments relating to the residence, also marking property lines, forest crops, marine plant animals, and the amendment which takes from the Shorelines Act any control over forest management vested in the Forest Practices Act. I assume your ruling pertains to all of those amendments, or am I wrong?"

REPLY BY THE PRESIDENT

The President: "The President has a different interpretation as to the reasons for the other amendments, Senator."

Senator Guess moved adoption of the following amendment by Senators Guess and Murray:

On page 5, section 1, line 32 after "irrigation." Add three new subdivisions to read as follows:

"(ix) The marking of property lines or corners: PROVIDED, That such development shall not be exempt from the requirements of a substantial development permit if such development materially interferes with the normal public use of the surface of the water;

(x) The harvesting of forest crops except roads, landings, or structures: PROVIDED, That such development shall not be exempt from the requirements of a substantial development permit if such development materially interferes with the normal public use of the surface of the water;

(xi) The harvesting of marine plant or animal crops except mechanical clam harvesting above the line of extreme low tide: PROVIDED, That such development shall not be exempt from the requirements of a substantial development permit if such development materially interferes with the normal public use of the surface of the water."

POINT OF ORDER

Senator Washington: "I rise to raise the question of scope and object of this next amendment adding sections (ix), (x), and (xi) to Section 1."

RULING BY THE PRESIDENT

The President: "Senator Guess, Senator Murray, and the other ladies and gentlemen in the Senate, the President does believe that in the interest of time that perhaps he should rule on the proposed amendment by Senators Guess and Murray which would expand the scope and object of the measure. Also to exempt many other activities including certain property line activities, certain forest activities, and even certain activities in the harvesting of marine plant or animal crops. Therefore, the amendment does increase the scope and object of the measure. On the following amendment, without going into the details, the final decision would be the same."

The amendment by Senators Guess and Murray to page 5, line 32 was ruled out of order.

Senator Washington moved adoption of the following amendment:

On page 5, section 1, line 27, strike all of subsection viii and insert:

"(viii) Any construction, operation or maintenance activity necessary to utilize for irrigation purposes any canals, wasteways, drains and reservoirs which have been created or developed as part of an irrigation system authorized for the primary purpose of making use of water for irrigation of lands."

POINT OF INFORMATION

Senator Washington: "Point of inquiry to determine whether Senator Guess is raising a point of order or whether he is speaking against the amendment."

Senator Guess: "Senator Washington, I am speaking against the amendment."

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Would Senator Washington yield to a question? Senator Washington, in the Natural Resources Committee, we heard the Department of Natural Resources say that they could not put markers in designating state-owned land without an environmental impact statement. Is there any place in this bill an exemption written in so that they may do that without filing an environmental impact statement?"

Senator Washington: "This does not relate to environmental impact statements. I would assume that that would not be a major development that would allow an environmental impact statement. If it does, we are getting off into a different realm. We are talking now about the shorelines. What you are talking about is under the Environmental Policy Act. We do have, of course, a study going. We have Senator Gissberg's committee attempting to set up basic guidelines which, I am sure, if those are required at the present time they will not be required when the new guidelines are developed."

Senator Rasmussen: "Well that is a good question, Senator. How many years will it take? Maybe Senator Peterson can enlighten you. He was chairing that committee when the statement was made that they do require an environmental impact statement."

POINT OF ORDER

Senator Bottiger: "We are on the adoption of an amendment and I do not know how we got off on all that other tangent."

RULING BY THE PRESIDENT

The President: "Your point is well taken, Senator Bottiger."

Further debate ensued.

The motion by Senator Washington carried and the amendment was adopted.

On motion of Senator Washington the rules were suspended, Engrossed Substitute Senate Bill No. 2443 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Bailey: "Would Senator Washington yield? Senator Washington, you explained this bill in caucus to us and then when the Lieutenant Governor gave his ruling I was a little bit disturbed because in caucus I thought you told us that this redefined floodway and probably wetlands for everybody, and then the Lieutenant Governor in his ruling said this was limited to farm lands and agricultural lands, and I am wondering what your explanation of that ruling is."

Senator Washington: "Actually, I would say as far as acreage is concerned on floodways and flood plains, most of it of course would be agricultural land but it is broader than that in that it does limit floodways on streams, now we are talking about rivers, we are talking about streams, and what we did, we had problems with the word 'flood plain'. There was no definition in the act of flood plains. I will just go further into that explanation. The Department of Ecology, not having any guidelines, utilized the terms 'from toe to toe of the valley'. Now that has covered broad segments of many valleys in the state. Their next approach was, of course, to go to the Army Engineers and the only well defined flood plain by the Army Engineers is the hundred year flood plain, and our committee found that that was also too broad. So what we did was to hold the effect of this act to the floodway two hundred feet beyond the floodway in all areas, and the word 'flood plain' itself has been taken from the act so it no longer is in the act. So although the Lieutenant Governor, the President of the Senate is correct that the huge majority by percentage would be agricultural land that there would be some small amounts that would be in areas perhaps covering cities and towns and other areas."

Senator Bailey: "Senator Washington, then you would say that a city or a town like North Bend or Snoqualmie would be governed by the same definition of floodway that some farmer in eastern Washington would?"

Senator Washington: "This is correct."

Further debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Would Senator Washington yield to a question? On page 3, Senator Washington, starting on line 27 down through 31, 'Provided that prior to the effective date of this 1975 amendatory act any county or city which included a greater width of the flood plain in the scope of shoreline management plan than defined in this subsection may continue to use such greater width.' My question is, do they have to make a change in their plan prior to the effective date of this and is their plan binding after that?"

Senator Washington: "We only state, and I am not going to say when the effective date of this act, if they have established a shoreline management plan and approved at that time, then they could utilize the wider width. This is kind of a grandfather clause."

Senator Rasmussen: "Then the question would go to the second part of that where you have defined floodway as where the surface soil conditions or changes in types of quality or quality of the vegetative ground cover conditions, and nowhere can I see a definition of that as to what changes in the vegetative ground cover conditions would indicate that it was a hundred year floodway or a fifty year floodway. You have not defined it as yet."

Senator Washington: "I believe this does define what a floodway is; that portion of a river, stream from the outer limits of the watercourse upon which flood waters are carried during periods of flooding that occur with reasonable regularity, although not necessarily annually. We are talking about the floods that will happen maybe once every four or five years, maybe every three years, the ones that come up and you can tell from the banks of the stream, there are usually channels. You can tell from the vegetation. There is certain vegetation that will grow where it is covered by water almost every year. There is another type of vegetation that will grow in the areas that are maybe only flooded every three or four years. So it is as reasonable a definition as you can come up with."

Senator Rasmussen: "Rather indefinite. Thank you, Senator Washington."

Senators Mardesich, Washington and Beck 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. 2443.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2443, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 1; excused, 3.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Wilson, Woody—45.

Absent or not voting: Senator Matson—1.

Excused: Senators Buffington, Keefe, Walgren—3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2443, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

HONORING PRESIDENT PRO TEMPORE HENRY

The President asked the Sergeants at Arms to escort the Honorable Al Henry and his wife, Anne, to the Senate Rostrum. With permission of the Senate, business was suspended to permit the Senate to honor Senator Henry on his birthday.

The committee of honor escorted Senator and Mrs. Henry from the Senate Chamber.

APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence in the Senate Chamber of Valerie Harper and Anthony Zerbe, stars of stage, screen, radio and television and appointed Senators Fleming, Gould, Morrison, Lewis (Harry), Grant, Ridder, Donohue and Van Hollebeke to escort the honored guests to the Senate rostrum.

With permission of the Senate, business was suspended to permit the honored guests to address the Senate regarding the Washington State Arts Commission.

The committee of honor escorted the guests from the Senate Chamber, and the committee was discharged.

MOTION

At 1:12 p.m., on motion of Senator Mardesich, the Senate recessed until 1:45 p.m.

AFTERNOON SESSION

The President called the Senate to order at 1:45 p.m.

The President declared the Senate to be at ease.

The President called the Senate to order at 2:00 p.m.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of Senate Bill No. 2322.

SECOND READING

SENATE BILL NO. 2322, by Senators Ridder, Goltz and Morrison (by Office of Community Development request):

Granting medical aid benefits under the industrial insurance act to volunteers.

MOTIONS

On motion of Senator Ridder, Substitute Senate Bill No. 2322 was substituted for Senate Bill No. 2322 and the substitute bill was placed on second reading and read the second time in full.

Senator Woody moved that the following amendments be considered and adopted simultaneously:

On page 1, line 10, strike "Title 51" and insert "[Title 51] chapter 51.36"

On page 1, line 28, strike "Title 51" and insert "chapter 51.36"

On page 2, line 20, strike "Title 51" and insert "chapter 51.36"

Debate ensued.

POINT OF INQUIRY

Senator Clarke: "Will Senator Woody yield to a question? Senator Woody, this would not create a right to sue the employer that does not now presently exist?"

Senator Woody: "That is correct. Currently the volunteer can sue their employer for tortious conduct resulting in injury. This does not take that right away."

The motion by Senator Woody carried and the amendments were adopted.

MOTIONS

On motion of Senator Lewis (Harry), Senator Matson was excused.

On motion of Senator Jones, Senators Lewis (R. H. "Bob") and Sellar were excused.

On motion of Senator Ridder, the rules were suspended, Engrossed Substitute Senate Bill No. 2322 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Benitz: "Will Senator Ridder yield to a question? Senator Ridder, I have with my work in vocational education run across a problem which student teachers, especially those that are connected with FFA, in their training. By any stretch of the imagination could we find these student teachers included if the school district as a local entity would provide the protection?"

Senator Ridder: "I cannot obviously give you a legal opinion but I would assume it would deal with the organization under which they were operating. If they were operating as volunteers performing services for that agency, I would think that they could be included."

Senator Morrison: "Mr. President and members of the Senate, only to add to the remarks of Senator Ridder, as we have watched the volunteer programs in this state expand, I think it is important that we extend to local governmental units the same provisions that we have on a mandatory basis extended to volunteers working with state agencies. This is permissive. It seems to be supported by everyone, extends only medical aid at a very, very low premium cost to these volunteer groups and I urge your support for this measure."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2322, and the bill passed the Senate by the following vote: Yeas, 42; absent or not voting, 1; excused, 6.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Mardesich, Marsh, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Stortini, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Wilson, Woody—42.

Absent or not voting: Senator Herr—1.

Excused: Senators Buffington, Keefe, Lewis (R. H. "Bob"), Matson, Sellar, Walgren—6.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2322, having received the 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 Mardesich, the Senate commenced consideration of Senate Bill No. 2332.

SECOND READING

SENATE BILL NO. 2332, by Senators Bottiger and Bluechel:
Amending laws relating to insurers' assessments.

REPORT OF STANDING COMMITTEE

March 27, 1975.

SENATE BILL NO. 2332, amending laws relating to insurers' assessments (reported by Committee on Financial Institutions):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, section 1, line 12, after "of" and before "shall" strike "contributions" and insert "contribution"

On page 2, after section 1, after line 10, insert a new section as follows:

"Sec. 2. Section 6, chapter 259, Laws of 1971 ex. sess. and RCW 48.32A.060 are each amended to read as follows:

(1) The association shall, subject to such terms and conditions as it may impose with the approval of the commissioner, assume, reinsure, or guarantee the performance of the policies and contracts of any domestic life or disability insurer with respect to which an order of liquidation has been entered by any court of general jurisdiction in the state of Washington, and shall have power to receive, own, and administer any assets acquired in connection with such assumption, reinsurance, or guaranty. The association, as to any such policy or contract under which there is no default in payment of premiums subsequent to such assumption, reinsurance, or guaranty, shall make or cause to be made prompt payment of the benefits due under the terms of the policy or contract.

(2) The association shall make or cause to be made payment of the death, endowment, or disability insurance or annuity benefits due under the terms of each policy or contract insuring the life or health of, or providing annuity or other benefits for, a resident of this state which was issued or assumed by a foreign or alien insurer with respect to which an order of liquidation has been entered by a court of competent jurisdiction in the state or country of its domicile.

(3) In determining benefits to be paid with respect to the policies and contracts of a particular liquidating insurer the board may give due consideration to amounts reasonably recoverable or deductible because of the contingent liability, if any, of policyholders of the insurer (if a mutual insurer) or recoverable because of the assessment liability, if any, of the insurer's stockholders (if a stock insurer).

In the event, after the entry of an order of liquidation, an assessment on the members is necessary to increase the assets of the insolvent company to an extent that a bulk reinsurance of such policies may be effected, the court shall have authority to order such assessment.

(4) With respect to an insolvent domestic insurer, the board shall have power to petition the court in which the delinquency proceedings are pending for, and the court shall have authority to order and effectuate, such modifications in the terms, benefits, values, and premiums thereafter to be in effect of policies and contracts of the insurer as may reasonably be necessary to effect a bulk reinsurance of such policies and contract in a solvent insurer.

(5) In addition to any other rights of the association acquired by assignment or otherwise, the association shall be subrogated to the rights of any person entitled to receive benefits under this chapter against the liquidating insurer, or the receiver, rehabilitator, liquidator, or conservator, as the case may be, under the policy or contract with

respect to which a payment is made or guaranteed, or obligation assumed by the association pursuant to this section, and the association may require an assignment to it of such rights by any such persons as a condition precedent to the receipt by such person of payment of any benefits under this chapter.

(6) For the purpose of carrying out its obligations under this chapter, the association shall be deemed to be a creditor of the liquidating insurer to the extent of assets attributable to covered policies and contracts reduced by any amounts to which the association is entitled as a subrogee. All assets of the liquidating insurer attributable to covered policies and contracts shall be used to continue all covered policies and contracts and pay all contractual obligations of the liquidating insurer as required by this chapter. Assets attributable to covered policies and contracts, as used in this subsection, are those in that proportion of the assets which the reserves that should have been established for such policies and contracts bear to the reserves that should have been established for all insurances written by the liquidating insurer."

In the title, in line 1, after "insurance;" and before "and" insert: "amending section 6, chapter 259, Laws of 1971 ex. sess. and RCW 48.32A.050;"

Signed by: Senators Woody, Chairman; Bluechel, Clarke, Jones.

The bill was read the second time by sections.

On motion of Senator Woody, the committee amendment to page 1, line 12 was adopted.

Senator Woody moved adoption of the committee amendment to page 2 inserting a new section.

On motion of Senator Bottiger, the following amendment to the committee amendment was adopted:

Amend the committee amendment by adding a new subsection to read as follows:

"(7) The association shall have the power to petition the superior court for an order appointing the commission as receiver of a domestic insurer upon any of the grounds set forth in RCW 48.31.030."

On motion of Senator Woody, the following amendment to the committee amendment was adopted:

Amend the Committee Amendment to page 2, adding a new section 2 as follows:

Move the second paragraph of subsection (3), being the underscored material, to follow the first paragraph of subsection (4).

The motion by Senator Woody carried and the committee amendment, as amended, was adopted.

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

On page 1, strike lines 19 through 26 and substitute the following:

100% for the calendar year of issuance;

90% for the first calendar year after the year of issuance;

80% for the second calendar year after the year of issuance;

70% for the third calendar year after the year of issuance;

60% for the fourth calendar year after the year of issuance;

50% for the fifth calendar year after the year of issuance;

40% for the sixth calendar year after the year of issuance;

30% for the seventh calendar year after the year of issuance;

20% for the eighth calendar year after the year of issuance;

10% for the ninth calendar year after the year of issuance; and

0% for the tenth and subsequent calendar years after the year of issuance."

On motion of Senator Bottiger, the committee amendment to the title was adopted.

On motion of Senator Bottiger the rules were suspended, Engrossed Senate Bill No. 2332 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. 2332, and the bill passed the Senate by the following vote: Yeas, 40; nays, 2; absent or not voting, 1; excused, 6.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Mardesich, Marsh, McDermott, Morrison, Murray, Newschwander, Nörth, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Stortini, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Woody—40.

Voting nay: Senators Clarke, Wilson—2.

Absent or not voting: Senator Henry—1.

Excused: Senators Buffington, Keefe, Lewis (R. H. "Bob"), Matson, Sellar, Walgren—6.

ENGROSSED SENATE BILL NO. 2332, having received the 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 Mardesich, the Senate advanced to the eighth order of business.

There being no objection, on motion of Senator Bailey, the motion by Senator Bailey for reconsideration of Engrossed Senate Bill No. 2197 will be considered on Monday, April 14, 1975.

At 2:38 p.m., on motion of Senator Mardesich, the Senate adjourned until 11:00 a.m., Monday, April 14, 1975.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

THIRTY-SECOND DAY**MORNING SESSION**

Senate Chamber, Olympia, Monday, April 14, 1975.

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 Bailey, Bottiger, Buffington, Fleming, Herr, Keefe and Scott. On motion of Senator Knoblauch, Senators Bailey, Bottiger, Fleming, Herr and Keefe were excused. On motion of Senator Lewis (R. H. "Bob"), Senators Buffington and Scott were excused.

The Color Guard, consisting of Pages Robin Allan and Phil Baker, presented the Colors. Reverend George M. Mitchell, pastor of the First Christian Church of Olympia, offered the following prayer:

"WE THANK YOU, O FATHER IN HEAVEN, FOR THIS SACRED MOMENT WHEN WE MAY UNITE OUR HEARTS IN PRAYER TO YOU, AND WHEN WE MAY FORGET ALL ELSE EXCEPT FOR OUR NEED OF YOUR GUIDANCE AND HELP DAY BY DAY. AND AS WE DO, MAY WE FIND THAT AS WE REACH OUT TO YOU, YOU ARE REACHING OUT TO US. THEREFORE, WE UNITE OUR PRAYERS FOR YOUR CONTINUING GUIDANCE UPON THIS ASSEMBLY AND UPON EACH SENATOR. HELP THEM TO FOCUS ON THE VERY REAL NEEDS AND PROBLEMS OF THE PEOPLE OF THIS STATE, AND TO CONFRONT THESE REALISTICALLY. GRANT THEM A MEASURE OF YOUR WISDOM FOR THEIR TASKS THIS DAY. AMEN."

MOTION

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

REPORTS OF STANDING COMMITTEES

April 11, 1975.

SENATE BILL NO. 2560, relating to agriculture (reported by Committee on Agriculture):

Recommendation: That Substitute Senate Bill No. 2560 be substituted therefor and the substitute bill do pass.

Signed by: Senators Jolly, Chairman; Benitz, Day, Sellar, Wilson.

Passed to Committee on Rules for second reading.

April 4, 1975.

SENATE BILL NO. 2904, amending laws relating to the dairy commission and dairy products (reported by Committee on Agriculture):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Jolly, Chairman; Benitz, Day, Sellar.

Passed to Committee on Rules for second reading.

April 10, 1975.

SENATE BILL NO. 2913, permitting university medical graduates of foreign medical schools or colleges to become physician assistants for a limited number of years (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; von Reichbauer, Vice Chairman; Cunningham, Francis, Goltz, Gould, McDermott, Pullen.

Passed to Committee on Rules for second reading.

April 10, 1975.

ENGROSSED HOUSE BILL NO. 42, including irrigation districts in the inter-local cooperation act (reported by Committee on Agriculture):

Recommendation: Do pass as amended.

Signed by: Senators Jolly, Chairman; Benitz, Day, Sellar, Wilson.

Passed to Committee on Rules for second reading.

April 11, 1975.

HOUSE BILL NO. 171, prescribing motor vehicle gross weight limits (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Henry, Vice Chairman; Beck, Bottiger, Guess, Jolly, Knoblauch, Sellar, Talley, Wanamaker.

Passed to Committee on Rules for second reading.

April 11, 1975.

HOUSE BILL NO. 175, removing gross weight limitations for vehicles operated within project boundaries (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass.

Signed by: Senators Walgren, Chairman; Henry, Vice Chairman; Beck, Bottiger, Guess, Jolly, Knoblauch, Peterson, Sellar, Stortini, Talley.

Passed to Committee on Rules for second reading.

April 11, 1975.

SUBSTITUTE HOUSE BILL NO. 220, requiring labor and industries to conduct railroad safety inspections relating to employees (reported by Committee on Labor):

MAJORITY recommendation: Do pass.

Signed by: Senators Ridder, Chairman; Bailey, Grant, von Reichbauer.

Passed to Committee on Rules for second reading.

April 11, 1975.

ENGROSSED HOUSE BILL NO. 338, revising qualifications for apprentice electricians (reported by Committee on Labor):

Recommendation: Do pass.

Signed by: Senators Ridder, Chairman; Bailey, Grant, Matson, Morrison, Sellar, von Reichbauer.

Passed to Committee on Rules for second reading.

April 11, 1975.

HOUSE BILL NO. 339, modifying plumber apprentice requirements (reported by Committee on Labor):

Recommendation: Do pass.

Signed by: Senators Ridder, Chairman; Bailey, Grant, Matson, Morrison, Sellar, von Reichbauer.

Passed to Committee on Rules for second reading.

April 11, 1975.

SUBSTITUTE HOUSE BILL NO. 389, exempting certain nongovernmental educational institutions from certain provisions of the unemployment compensation law (reported by Committee on Labor):

Recommendation: Do pass.

Signed by: Senators Ridder, Chairman; Bailey, Grant, Matson, Morrison, Sellar, von Reichbauer.

Passed to Committee on Rules for second reading.

April 11, 1975.

ENGROSSED HOUSE BILL NO. 486, authorizing state support for certain county ferries (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass.

Signed by: Senators Walgren, Chairman; Henry, Vice Chairman; Beck, Bottiger, Jolly, Knoblauch, Peterson, Stortini, Talley, Wanamaker.

Passed to Committee on Rules for second reading.

April 10, 1975.

ENGROSSED HOUSE BILL NO. 530, amending laws relating to irrigation districts (reported by Committee on Agriculture):

Recommendation: Do pass as amended.

Signed by: Senators Jolly, Chairman; Benitz, Day, Sellar, Wilson.

Passed to Committee on Rules for second reading.

April 10, 1975.

HOUSE BILL NO. 962, revising laws on agriculture inspection (reported by Committee on Agriculture):

Recommendation: Do pass as amended.

Signed by: Senators Jolly, Chairman; Benitz, Day, Sellar, Wilson.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Sandison, the Senate resumed consideration of Senate Bill No. 2367.

SECOND READING

SENATE BILL NO. 2367, by Senators Bottiger, Beck and Matson (by Utilities and Transportation Commission request):

Making certain changes in the laws relating to transportation.

The Senate resumed consideration of the following amendment by Senators Bluechel, Peterson and Benitz moved for adoption by Senator Bluechel on April 8, 1975:

On page 1, beginning on line 18, strike all of section 2.

The motion by Senator Bluechel carried and the amendment was adopted.

On motion of Senator Guess, the following amendment was adopted:

On page 1, after section 1 add the following new section:

"Sec. 2. Section 3, chapter 69, Laws of 1967 and RCW 81.80.260 are each amended to read as follows:

It shall be unlawful for any person to operate any vehicle at the same time in more than one class of operation, except upon approval of the commission and a finding that such operation will be in the public interest.

No "exempt carrier" as such shall transport property for compensation except as hereinabove provided: *PROVIDED, That an "exempt carrier" pursuant to 81.80.040 (6) as it now exists or is hereinafter amended shall be authorized to transport wood products for compensation during a return trip from area of his market to the area of production or intermediate points.*"

Senator Lewis (Harry) moved adoption of the following amendment by Senators Lewis (Harry), Clarke, Francis and Jones:

On page 2, line 6 after "authority." add a new section as follows:

"NEW SECTION. Sec. 3. The following acts or parts of acts are each repealed:

(1) Chapter 14, section 81.80.010, Laws of 1961 as last amended by section 1, Chapter 69, Laws of 1967 and RCW 81.80.010;

(2) Section 81.80.020, Chapter 14, Laws of 1961 and RCW 81.80.020;

(3) Section 81.80.030, Chapter 14, Laws of 1961 and RCW 81.80.030;

(4) Section 81.80.040, Chapter 14, Laws of 1961 as last amended by section 7, Chapter 59, Laws of 1963 and RCW 81.80.040;

- (5) Section 81.80.050, Chapter 14, Laws of 1961 and RCW 81.80.050;
- (6) Section 1, Chapter 33, Laws of 1969 as last amended by section 17, Chapter 210, Laws of 1969 ex. sess. and RCW 81.80.060;
- (7) Section 81.80.070, Chapter 14, Laws of 1961 as last amended by section 1, Chapter 242, Laws of 1963 and RCW 81.80.070;
- (8) Section 81.80.080, Chapter 14, Laws of 1961 and RCW 81.080;
- (9) Section 81.80.090, Chapter 14, Laws of 1961 as last amended by Section 10, Chapter 115, Laws of 1973 and RCW 81.80.090;
- (10) Section 81.80.100, Chapter 14, Laws of 1961 and RCW 81.80.100;
- (11) Section 81.80.110, Chapter 14, Laws of 1961 and RCW 81.80.110;
- (12) Section 81.80.120, Chapter 14, Laws of 1961 and RCW 81.80.120;
- (13) Section 81.80.130, Chapter 14, Laws of 1961 and RCW 81.80.130;
- (14) Section 81.80.140, Chapter 14, Laws of 1961 and RCW 81.80.140;
- (15) Section 81.80.150, Chapter 14, Laws of 1961 as last amended by section 11, Chapter 115, Laws of 1973 and RCW 81.80.150;
- (16) Section 81.80.170, Chapter 14, Laws of 1961 as last amended by section 2, Chapter 242, Laws of 1963 and RCW 81.80.170;
- (17) Section 81.80.220, Chapter 14, Laws of 1961 and RCW 81.80.220;
- (18) Section 81.80.240, Chapter 14, Laws of 1961 and RCW 81.80.240;
- (19) Section 81.80.260, Chapter 14, Laws of 1961 as last amended by section 3, Chapter 69, Laws of 1967 and RCW 81.80.260."

POINT OF INQUIRY

Senator Donohue: "Would Senator Lewis yield? Senator, I understand this is a far-reaching amendment. I just jotted down here very quickly some things that I would like to have you answer for me. Would this amendment strike the licensing for vehicles, for trucks?"

Senator Lewis (Harry): "No."

Senator Donohue: "How about a CC license? Would you still require a CC license?"

Senator Lewis (Harry): "What is a CC license?"

Senator Donohue: "That is what the large trucks have. You know, they have to have a"

Senator Lewis (Harry): "I do not believe that it does, Senator."

Senator Donohue: "What about weight restrictions and so forth on highways?"

Senator Lewis (Harry): "I think the weight restrictions are all there. Our intent is to keep the highways protected, but just to break the monopolies that presently exist."

Senator Donohue: "Well, but then you would take the weight restrictions off . . . you are not? You are not touching the weight restrictions?"

Senator Lewis (Harry): "No."

Senator Donohue: "How about speed limits?"

Senator Lewis (Harry): "No, this deals with just the arrangements and permits and separate procedures that the truckers have. For example, Senator Donohue, whereas right now we have only one truck line serving eastern Thurston County, this would mean that if you wanted to service eastern Thurston County, that you could do so."

Senator Donohue: "Senator Lewis, I have not had time to check this and I think that many of the other members of the body are in the same boat, you might say, and I think that"

Senator Lewis (Harry): "I would agree with that, Senator."

Senator Clarke: "The purpose, in reality, is not to do any of the things that you have spoken to. The purpose simply is to remove the monopolistic licensing, but I do think this is a far-reaching type of amendment and if it would meet the approval and if it is in order making a motion after I have spoken, I would move that the bill hold its place until tomorrow's second reading calendar."

Debate ensued.

MOTION

Senator Walgren moved that Senate Bill No. 2367 be re-referred to the Committee on Transportation and Utilities.

Debate ensued.

PARLIAMENTARY INQUIRY

Senator Peterson: "Is it in order to at this time raise the question of scope and object on the proposed amendment by Senators Harry Lewis, Clarke, Francis and Jones?"

REPLY BY THE PRESIDENT

The President: "The President has a motion. If Senator Walgren would care to withdraw his motion, then"

MOTION

Senator Lewis (Harry) moved that the motion by Senator Walgren and Senate Bill No. 2367, as amended, together with the pending amendment by Senators Lewis (Harry), Clarke, Francis and Jones be held for consideration on Tuesday, April 15, 1975.

There being no objection, the motion by Senator Walgren was withdrawn.

The motion by Senator Lewis (Harry) carried. Senate Bill No. 2367, as amended, together with the pending amendment by Senators Lewis (Harry), Clarke, Francis and Jones, was ordered held for further consideration on Tuesday, April 15, 1975.

MOTION

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 2611.

SECOND READING

SENATE BILL NO. 2611, by Senator Lewis (R. H. "Bob") (by Secretary of State request):

Providing for automatic transfer of voter registration in county when address appears changed on precinct list of voters.

REPORT OF STANDING COMMITTEE

March 17, 1975.

SENATE BILL NO. 2611, providing for automatic transfer of voter registration in county when address appears changed on precinct list of voters (reported by Committee on Constitution and Elections):

Recommendation: Do pass with the following amendments:

On page 2, line 4, after "each" and before "primary" insert "special".

On page 2, line 21, after "transferred" strike "and informing him of the name and location of his new polling place" and insert "in the manner provided by RCW 29.10.060 as now or hereafter amended".

Signed by: Senators Beck, Chairman; Grant, Lewis (R. H. "Bob"), Pullen, Stortini, Washington.

The bill was read the second time by sections.

On motion of Senator Beck, the committee amendments were adopted.

On motion of Senator Beck, the rules were suspended, Engrossed Senate Bill No. 2611 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 Grant: "Will Senator Beck yield? Senator Beck, I am sorry I was not here when we began a discussion of this. I just wondered if there is any kind of fiscal note attached to this measure or any estimate as to the cost involved to the local government in making this automatic transfer?"

Senator Beck: "No, there is no substantial fiscal impact to this. Whenever the election superintendent of the county sees that you are putting down a new address, he is supposed to notify you anyway and there was no substantial impact to this. The county election officials, the Secretary of State, everyone wanted this and there is no substantial impact to it. The only thing this requires is a mailing out of a notice."

Debate ensued.

POINT OF INQUIRY

Senator Wilson: "Would Senator Lewis yield? Senator Lewis, my question and my concern both are identical to those expressed by Senator Grant. This bill does have an excellent concept and yet the possibility seems to arise of a considerable work load being placed either on polling place workers or upon the auditor's office following an election. Since you are the prime sponsor of the measure, I thought it might be appropriate if you were to speak to that question."

Senator Lewis (R. H. "Bob"): "Thank you. Yes, that was one of the questions that was asked of Mr. Segal and also when Senator Bottiger had a question about needed amendment that was thought to be needed, I also got Mr. Lyle Watson in. Both of them expressed — the lobbyists representing the groups, election supervisors and county officials said that they are doing it now in most cases. The financial impact is negligible for the bill; it makes legal what they are doing now; and they thought it was a routine, they expressed it as a routine housekeeping, no-big-deal type bill. That is their approach about it."

Further debate ensued.

POINT OF INQUIRY

Senator Guess: "Would Senator Lewis yield? Senator Lewis, there was a recent change in precincts up where I vote and I was not permitted to vote until I had cleared with the court house because of the address change. Now what the language of the law says, that any registered voter who changes his residence from one address, or one precinct the way it did read, to another within the same county shall have his registration transferred to his new address by sending the county auditor a signed request stating that his present address and precinct are right. Now, what you are saying is that the law is going to be violated and that the person is going to go to the precinct voting place and he is going to be able to vote even though he did not follow the law. Is that what you are doing?"

Senator Lewis (R. H. "Bob"): "A vote can be challenged, as you know, at the polling place if the address does not correspond to what the book says. They clear this by a call to the court. Correct me if I am in error. They are cleared for voting and then if the auditor now can by going through the books send the notice out without waiting for a request from the person to be changed. As you know, there are a number of polling places where there are a lot of votes on the list of people who have moved out and they have really not been cleaned up as well as they should in many cases. And this permits initiation at the election officials level instead of by the individual in an attempt to keep the voter lists clean. As I say, the county officials say they are doing this now and they do not see any big problem with it."

Senator Guess: "Okay. Thank you very much."

Further debate ensued.

MOTION

On motion of Senator Walgren, Engrossed Senate Bill No. 2611 was ordered held at the end of today's second reading calendar.

MOTION

On motion of Senator Walgren, the Senate resumed consideration of Senate Bill No. 2346.

SECOND READING

SENATE BILL NO. 2346, by Senators Matson and Donohue (by Superintendent of Public Instruction request):

Changing requirements relating to sale of real property by school districts.

The Senate resumed consideration of Senate Bill No. 2346 on second reading. The committee amendment and amendments by Senator Woody were adopted on April 8, 1975.

On motion of Senator Stortini, the rules were suspended, Engrossed Senate Bill No. 2346 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. 2346, and the bill passed the Senate by the following vote: Yeas, 41; nays, 1; excused, 7.

Voting yea: Senators Beck, Benitz, Bluechel, Clarke, Cunningham, Day, Donohue, Francis, Goltz, Gould, Grant, Guess, Henry, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sel-lar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Woody—41.

Voting nay: Senator Wilson—1.

Excused: Senators Bailey, Bottiger, Buffington, Fleming, Herr, Keefe, Scott—7.

ENGROSSED SENATE BILL NO. 2346, having received the 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 Walgren, the Senate resumed consideration of Engrossed Substitute Senate Bill No. 2424.

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 2424, by Committee on Ecology (originally sponsored by Senators Walgren, Washington and Lewis (R. H. "Bob")):

Coordinating public water supply system planning.

The Senate resumed consideration of Engrossed Substitute Senate Bill No. 2424, and the following amendment moved for adoption by Senator Day on April 7, 1975:

On page 3, line 21, after "purveyor" and before the period insert ": PROVIDED, That no such plan shall include the fluoridation of water without the prior approval of a majority of the voters within such service area".

The motion by Senator Day carried and the amendment was adopted.

Senator Goltz moved adoption of the following amendment by Senators Goltz and Day:

On page 4, line 17, following section 5, add a new section to read as follows:

"NEW SECTION. Sec. 6. All purveyors of treated-water systems serving paying customers shall have printed on or included with water bills, at least once each year, or as often as necessary to reflect changes in additives, a statement listing, except for chlorination, all substances having been utilized by the purveyor as additives to, or treatment of, the water for which the bill is rendered.

Such statement shall include the toxicity of each added substance; the average annual level of the substance expressed in parts per million and milligrams per quart of all added substances contained in the water delivered. The statement shall further contain a warning that the added substances may adversely affect some persons. Upon request the purveyor shall furnish free of charge to a requesting water user a report listing contraindications, precautions and side effects that have been published in medical and other

scientific journals concerning the possible effects of such substances upon the human body. Such reports shall be compiled by the Board."

Remember the succeeding sections.

On motion of Senator Woody, the following amendment to the amendment by Senators Goltz and Day was adopted:

Amend the Goltz amendment to page 4, line 17, adding a new section 6 as follows: After "persons." on the sixth line of the second paragraph, strike the balance of the section.

Senator Rasmussen moved adoption of the following amendment to the amendment by Senators Goltz and Day:

Amend the amendment by Senators Goltz and Day as follows:

On line 6 of the amendment following "persons." add a new paragraph as follows:

"In the event that such statement indicates that the toxicity of the water might affect a user's health the purveyor upon the certification of such user's physician shall furnish to such user pure bottled water for drinking purposes without cost to such user."

POINT OF INQUIRY

Senator Van Hollebeke: "Would Senator Rasmussen yield? Senator Rasmussen, what is pure water as defined in your amendment?"

Senator Rasmussen: "It would be pure bottled water as certified by the health department. They are now bottled water purveyors that handle this, not alone is this state, but in many other states, and they have to meet pure water standards."

Debate ensued.

The motion by Senator Rasmussen failed and the amendment to the amendment by Senators Goltz and Day was not adopted on a rising vote.

The motion by Senator Goltz carried and the amendment, as amended, was adopted.

POINT OF INQUIRY

Senator Bluechel: "Would Senator Day yield to a question, please? Senator Day, when the amendment of yours on page 3, line 21 was adopted, 'providing that no such plan shall include the fluoridation of water without the prior approval of a majority of voters within such service area,' does this take into account that areas such as the Seattle Water District which serves not only Seattle but a substantial portion of King County has fluoridation already and would they have to go back and vote for fluoridation or is there a grandfather clause in this bill?"

Senator Day: "No, there would not have to be a grandfather clause in the bill because that is already a matter of fact and it is not the intent of the bill that it be retroactive relative to any presently existing system. Does that answer your question?"

Senator Bluechel: "Is there any way in which the bill could be interpreted specifically for saying that the legislature wanted approval of the people, because I think this is a very critical point."

Senator Day: "I think those are two questions. I think as far as existing systems are concerned that already have voted and put fluorine in the water, for example, that would not be retroactive and that is not the intent. As far as new systems, then I think the intent is that they be voted on so that the intent of the people is clear and that they either want it or they do not want it."

Senator Bluechel: "Senator Day, that is fine. I would agree that that is a satisfactory solution, but I am still very apprehensive as to the possibility of a court case saying that this could be retroactive and maybe I could address the case to one of the attorneys in this matter to see whether it could happen."

Senator Washington: "Could I also attempt to answer the question of Senator Bluechel and that it be a part of the record? I believe that the amendment which you direct which says, 'Provided that no such plan shall include the fluoridation of water without the prior approval of a majority of the voters within such service area.' It will be highly unlikely that any plan would have anything to do or mention fluoridation or lack of fluoridation in any way. This bill provides for physical plans, setting up the type of

pipes, the connections, the size of the pipes, the quality of the pipe, where the pipe will be laid. In other words, it is an engineering type of plan that this bill envisages. And it would have to be an extension of this act for any water purveyor to attempt to utilize it as a means of fluoridation. And for that reason, it is my opinion that this would have no effect upon a fluoridation plan which is presented in a separate way, separate from the plan as set forth in the statute amendment as provided in this bill."

Senator Bluechel: "Senator Washington, would you answer a further question please? What is the situation where you have an existing water system that has fluoridation and it is being extended into an area? Does that area have to vote for fluoridation or can the water system be extended into the area without a vote?"

Senator Washington: "That would depend on present law and I am not familiar with the present law. But if that water system were extended under this particular statute, it would have no effect on it because if it were extended under this particular statute it would be only an engineering plan, and would have no effect one way or the other on fluoridation."

Senator Bluechel: "Thank you."

MOTION

On motion of Senator Washington, the rules were suspended, Engrossed Substitute Senate Bill No. 2424 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Odegaard: "Would Senator Washington yield? Senator Washington, on page 2 under (3) on lines 7 and 8, it says that one industrial plant shall be excluded from this definition of a public water supply system, and I am curious to know why one industrial plant should be excluded. It could be, I imagine, at times a fairly large plant."

Senator Washington: "It probably could, but in many of them would be a large purveyor and the way the bill was drawn it did not cover one residence or one industrial plant. Possibly in the future we may find that an amendment will be necessary to include industrial plants. At this point it was felt that at least one industrial plant should be left out to add some flexibility and see how it operates."

POINT OF INQUIRY

Senator Wilson: "Will Senator Washington yield? Senator, may I direct your attention to page 3 of the bill which pertains to how the boundaries for these critical areas will be drawn initially and how they will be amended. Now as I understand the process, in the beginning when the Secretary determines that there is a critical water area, he in effect tries to organize a local committee in the language at the top of this page, and this committee is required to draw some boundaries within six months of their appointment and then presumably the Secretary approves the boundaries, and so you have the critical water area originally identified."

Senator Washington: "Right."

Senator Wilson: "I now direct your attention to (4) on this same page, which pertains to subsequent amendments of the boundaries for this water area. It says, 'The boundaries of a critical region or area may be amended in accordance with the procedures for their establishment,' which is the process that I have just outlined. And then goes on to say, 'When the Secretary finds such amendment necessary.' Now I have two questions with respect to the modification of boundaries of an existing critical area. The first is, if the modification can be activated only when the Secretary, meaning the Secretary of Social and Health Services, finds such amendment necessary, it would occur to me that perhaps he has already decided that this certain change in the boundaries are necessary or he would not have proposed them and that therefore I do not see what discretion would be left to the local committee.

"And my second question is, while (4) provides that the Secretary may initiate a change in boundaries, I do not see where the local committee has the authority to initiate such a change; and I guess what I am really getting at is the relative scope of au-

thority that this bill would grant to (a) the local people who have been organized into this local planning committee, and (b) with respect to the Secretary of Social and Health Services."

Senator Washington: "Senator Wilson, in the beginning when it appears that there is a critical area, possibly there are any number of ways that it could be started; by a number of purveyors in an area notifying the Secretary in the beginning that there are water problems in a particular area. He then appoints a committee consisting of the purveyors and planners, the public agencies in the area that have to do with water development. Then those agencies, those purveyors, establish the original critical boundaries. Then again it would seem to me that the process would be the same. If several of the purveyors, for instance, or the public agencies or planning agencies in the area would determine or feel that a change was necessary, the Secretary perhaps would probably not be aware of it; as in the beginning they would go before the Secretary. He would then have to appoint a committee, as he did in the beginning, the same committee, purveyors of this particular area, would then determine whether or not the boundaries should be changed. It would be an exact duplicate of the beginning system. Now I think as we start this, it is somewhat new, again we are going to have to give some reliance to the Secretary, but in each instance the moving parties would undoubtedly be the persons in the area, and of course in order to establish the critical region or amend it, it is action by the purveyors of that particular area."

Further debate ensued.

MOTION

Senator Bluechel moved that Engrossed Substitute Senate Bill No. 2424 be placed on the third reading calendar for Tuesday, April 15, 1975.

POINT OF ORDER

Senator Day: "That would require a suspension of the rules and a two-thirds majority because the gentleman's motion was to not only hold it over for a day but to return it to second reading."

REPLY BY THE PRESIDENT

The President: "Senator, the President understood Senator Bluechel's motion to be that the measure should hold its place on third reading calendar for tomorrow."

Debate ensued.

RULING BY THE PRESIDENT

The President: "Senator Day, the President believes it would require a suspension to return it to second reading, however."

MOTION

Senator Washington moved that Engrossed Substitute Senate Bill No. 2424 be made a special order of business at 1:45 p.m. today.

There being no objection, the motion by Senator Bluechel was withdrawn.

The motion by Senator Washington carried and Engrossed Substitute Senate Bill No. 2424 was made a special order of business at 1:45 p.m. today, on third reading.

MOTION

At 12:23 p.m., on motion of Senator Mardesich, 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 Mardesich, Senate Bill No. 2240 was referred to the Committee on Ways and Means.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of Engrossed Senate Bill No. 2611 on third reading.

THIRD READING

ENGROSSED SENATE BILL NO. 2611, by Senator Lewis (R. H. "Bob"):

Providing for automatic transfer of voter registration in county when address appears changed on precinct list of voters.

Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 2611.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2611, and the bill passed the Senate by the following vote: Yeas, 31; nays, 12; absent or not voting, 2; excused, 4. Voting yea: Senators Beck, Benitz, Bluechel, Bottiger, Clarke, Cunningham, Day, Gould, Guess, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Morrison, Newschwander, North, Peterson, Pullen, Ridder, Scott, Sellar, Stortini, von Reichbauer, Wanamaker, Washington, Woody—31.

Voting nay: Senators Donohue, Francis, Goltz, Grant, McDermott, Murray, Odegaard, Rasmussen, Sandison, Talley, Van Hollebeke, Wilson—12.

Absent or not voting: Senators Henry, Walgren—2.

Excused: Senators Bailey, Buffington, Fleming, Keefe—4.

ENGROSSED SENATE BILL NO. 2611, having received the 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 Day served notice that he would, on the next working day, move for reconsideration of the vote by which Engrossed Senate Bill No. 2611 passed the Senate.

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

SECOND READING

SENATE BILL NO. 2143, by Senators Talley, Jolly and North:

Relating to contracts of first class cities.

The Senate resumed consideration of Senate Bill No. 2143. On Tuesday, April 8, 1975 Senator Fleming moved adoption of the committee amendment to page 1, line 8.

On Wednesday, April 9, 1975, Senator Mardesich moved adoption of the following amendment to the committee amendment:

Amend the committee amendment to page 1, line 8 as follows: On line 5 of the amendment, after "dollars" strike all the matter down to the period after "city" on line 10.

The motion by Senator Mardesich carried and the amendment to the committee amendment was adopted on a rising vote.

On motion of Senator Fleming, there being no objection, the Senate held further consideration of the committee amendment to page 1, line 8, as amended, in abeyance to consider a floor amendment by Senator Fleming.

Senator Fleming moved adoption of the following amendment:

On page 1, line 8, after "sum of" strike "ten" and insert "fifteen".

Debate ensued.

The motion by Senator Fleming failed and the amendment was not adopted.

There being no objection, the amendments by Senator Fleming on the Secretary's desk were withdrawn.

The motion by Senator Fleming carried and the committee amendment to page 1, line 8, as amended, was adopted.

On motion of Senator Fleming, the committee amendment to page 2, line 1 was adopted.

Senator Rasmussen moved adoption of the following amendment:

On page 2, line 15, after "include" strike the remainder of the sentence and insert "all persons."

Debate ensued.

The motion by Senator Rasmussen failed and the amendment was not adopted.

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

On page 2, line 17, strike "-surname".

POINT OF INQUIRY

Senator Day: "Would Senator North yield? Would Senator Fleming yield? I think that the one point that was made by Senator Rasmussen is that this points up to women as a minority and I think this is one place we should make a correction. They are definitely in the majority and certainly in the majority as far as voting strength and power is concerned in the general election, and why should they be a minority in the bill? I do not understand that."

Senator Murray: "Mr. President and members of the Senate, it might help to clarify. I think that it applies to women who own fifty-one percent or more of a business. In that case I think they are a majority."

Debate ensued.

On motion of Senator Fleming, the rules were suspended, Engrossed Senate Bill No. 2143 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 Senate Bill No. 2143, and the bill passed the Senate by the following vote: Yeas, 37; nays, 9; excused, 3.

Voting yea: Senators Beck, Benitz, Bluechel, Bottiger, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Gould, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, von Reichbauer, Walgren, Wanamaker—37.

Voting nay: Senators Goltz, Grant, Matson, McDermott, Rasmussen, Van Hollebeke, Washington, Wilson, Woody—9.

Excused: Senators Bailey, Buffington, Keefe—3.

ENGROSSED SENATE BILL NO. 2143, having received the 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 THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 2424, by Committee on Ecology (originally sponsored by Senators Walgren, Washington and Lewis (R. H. "Bob")):

Coordinating public water supply system planning.

The time having arrived, the Senate resumed consideration of Engrossed Substitute Senate Bill No. 2424.

MOTION

On motion of Senator Washington, the rules were suspended and Engrossed Substitute Senate Bill No. 2424 was returned to second reading.

There being no objection, the amendment to the amendment by Senators Goltz and Day on the Secretary's desk was withdrawn.

On motion of Senator Washington, the following amendments by Senators Washington and Rasmussen were adopted:

On page 2, line 31, after "local" strike "and regional planning agencies" and insert "legislative authorities".

On page 4, lines 21, 26 and 34 of the printed substitute bill, being page 4, lines 28 and 33, and page 5, line 5 of the engrossed bill, strike ", jurisdictional planning agency," and on page 4, line 24 of the printed bill, being line 31 of the engrossed bill, strike "jurisdictional planning agencies,".

On motion of Senator Washington, the rules were suspended, Reengrossed Substitute Senate Bill No. 2424 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. 2424, and the bill failed to pass the Senate by the following vote: Yeas, 22; nays, 23; absent or not voting, 1; excused, 3.

Voting yea: Senators Beck, Bluechel, Bottiger, Fleming, Goltz, Gould, Grant, Henry, Herr, Jones, Knoblauch, Lewis (R. H. "Bob"), Mardesich, McDermott, Murray, North, Ridder, Scott, Stortini, Walgren, Wanamaker, Woody—22.

Voting nay: Senators Benitz, Clarke, Cunningham, Day, Donohue, Guess, Jolly, Lewis (Harry), Marsh, Matson, Morrison, Newschwander, Odegaard, Peterson, Pullen, Rasmussen, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Washington, Wilson—23.

Absent or not voting: Senator Francis—1.

Excused: Senators Bailey, Buffington, Keefe—3.

REENGROSSED SUBSTITUTE SENATE BILL NO. 2424, having failed to receive the constitutional majority, was declared lost.

NOTICE OF RECONSIDERATION

Having voted on the prevailing side, Senator Washington served notice that he would, on the next working day, move for reconsideration of the vote by which Reengrossed Substitute Senate Bill No. 2424 failed to pass the Senate.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Guess moved that the Senate immediately reconsider the vote by which Reengrossed Substitute Senate Bill No. 2424 failed to pass the Senate.

MOTION

At 2:20 p.m., on motion of Senator Mardesich, the Senate adjourned until 9:45 a.m., Tuesday, April 15, 1975.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

THIRTY-THIRD DAY**MORNING SESSION**

Senate Chamber, Olympia, Saturday, April 15, 1975.

The Senate was called to order at 9:45 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Donohue and Murray. On motion of Senator Lewis (R. H. "Bob"), Senator Murray was excused. On motion of Senator Knoblauch, Senator Donohue was excused.

The Color Guard, consisting of Pages Joan Biggs and Patrick Armstrong, presented the Colors. Reverend George M. Mitchell, pastor of the First Christian Church of Olympia, offered the following prayer:

"ETERNAL GOD, OUR CREATOR AND SUSTAINER, WE COME TO YOU IN PRAYER ON THIS DAY WHEN MILLIONS OF AMERICAN TAXPAYERS DETERMINE THEIR FINANCIAL ACCOUNTABILITY TO THEIR GOVERNMENT. MAY IT ALSO BE A DAY ON WHICH ELECTED LEADERS OF GOVERNMENT GIVE EVIDENCE OF THEIR OWN ETHICAL ACCOUNTABILITY TO THE PEOPLE, IN THE USE OF SUCH FUNDS SET ASIDE FOR SUCH PURPOSES.

"MAY HONESTY AND INTEGRITY FIND A NEW REVIVAL IN OUR NATION, AND MAY WE BECOME MORE AWARE THAT OUR ULTIMATE ACCOUNTABILITY IS TO YOU. POKE AT OUR CONSCIENCES WHENEVER WE ARE NOT TRULY RESPONSIBLE UNTIL WE SEEK THY WILL AND NOT OUR OWN IN ALL THINGS. AMEN."

MOTION

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

REPORTS OF STANDING COMMITTEES

April 14, 1975.

SENATE BILL 2020, establishing a state lottery, subject to referendum (reported by Committee on State Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Rasmussen, Chairman; Day, Henry, Knoblauch, Wanamaker. Passed to Committee on Rules for second reading.

April 14, 1975.

SENATE BILL NO. 2357, authorizing appeal to property valuation when previously exempt property is first placed on tax rolls (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Wilson, Second Vice Chairman; Bailey, Clarke, Grant, Jones, Marsh, Murray, Sandison, Scott, Washington.

Passed to Committee on Rules for second reading.

April 14, 1975.

SENATE BILL NO. 2628, enacting new law relating to regulation of post secondary proprietary schools and their agents (reported by Committee on Higher Education):

Recommendation: That Second Substitute Senate Bill No. 2628 be substituted therefor and the substitute bill do pass.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Guess, Odegaard, Scott.

Passed to Committee on Rules for second reading.

April 14, 1975.

SENATE BILL NO. 2654, enlarging the scope of school use for excise tax on real estate sales (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 2654 be substituted therefor and the substitute bill do pass.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Wilson, Second Vice Chairman; Bailey, Clarke, Grant, Jones, Marsh, Murray, Sandison, Scott, Washington.

Passed to Committee on Rules for second reading.

April 14, 1975.

SENATE BILL NO. 2788, relating to elections (reported by Committee on Constitution and Elections):

Recommendation: That Substitute Senate Bill No. 2788 be substituted therefor and the substitute bill do pass.

Signed by: Senators Beck, Chairman; Grant, Lewis (R. H. "Bob"), Pullen, Stortini, Washington.

Passed to Committee on Rules for second reading.

April 10, 1975.

SENATE BILL NO. 2908, authorizing state and local governments to provide for intermodal transportation centers (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: That Substitute Senate Bill No. 2908 be substituted therefor and the substitute bill do pass.

Signed by: Senators Walgren, Chairman; Beck, Benitz, Bluechel, Jolly, Knoblauch, Lewis (R. H. "Bob"), Morrison, Sellar, Wanamaker.

Passed to Committee on Rules for second reading.

April 14, 1975.

SENATE BILL NO. 2965, relating to the veterans' bonus (reported by Committee on State Government):

MAJORITY recommendation: That Substitute Senate Bill No. 2965 be substituted therefor and the substitute bill do pass.

Signed by: Senators Rasmussen, Chairman; Day, Henry, Knoblauch, Wanamaker.

Passed to Committee on Rules for second reading.

April 14, 1975.

SENATE JOINT RESOLUTION NO. 105, proposing constitutional amendment authorizing legislature to permit community and industrial development irrespective of other enumerated constitutional limitations (reported by Committee on Local Government):

MAJORITY recommendation: That Substitute Senate Joint Resolution No. 105 be substituted therefor and the resolution do pass.

Signed by: Senators Fleming, Chairman; Jolly, North, Sellar, Talley.

Passed to Committee on Rules for second reading.

April 14, 1975.

SENATE JOINT RESOLUTION NO. 109, authorizing the expenditure of public funds and the lending of credit for public purposes (reported by Committee on Local Government):

MAJORITY recommendation: That Substitute Senate Joint Resolution No. 109 be substituted therefor and the resolution do pass.

Signed by: Senators Fleming, Chairman; Jolly, McDermott, North, Sellar, Talley.
Passed to Committee on Rules for second reading.

April 14, 1975.

ENGROSSED HOUSE BILL NO. 102, reconstituting purchasing and material control in state government (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Rasmussen, Chairman; Cunningham, Day, Henry, Knoblauch, Wanamaker
Passed to Committee on Rules for second reading.

April 14, 1975.

ENGROSSED HOUSE BILL NO. 105, transferring the state motor pool to the department of general administration (reported by Committee on State Government):

MAJORITY recommendation: Do pass as amended and be referred to the Committee on Ways and Means.

Signed by: Senators Rasmussen, Chairman; Cunningham, Day, Henry, Knoblauch, Wanamaker.

Referred to Committee on Ways and Means.

April 14, 1975.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 207, authorizing cities and towns to provide certain off-street parking in manner their legislative authority provides by ordinance (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Fleming, Chairman; Jolly, McDermott, North, Sellar, Walgren.

Passed to Committee on Rules for second reading.

April 14, 1975.

SUBSTITUTE HOUSE BILL NO. 342, revising laws relating to boiler inspections (reported by Committee on Labor):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Ridder, Chairman; Bailey, Grant, von Reichbauer.

Passed to Committee on Rules for second reading.

April 14, 1975.

ENGROSSED HOUSE BILL NO. 377, increasing certain fees and licenses for game and game fish (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Wilson, Second Vice Chairman; Bailey, Clarke, Grant, Jones, Murray, Sandison, Scott, Washington.

Passed to Committee on Rules for second reading.

April 14, 1975.

ENGROSSED HOUSE BILL NO. 665, permitting public auction of state material valued at \$10,000 or less (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Rasmussen, Chairman; Cunningham, Day, Henry, Knoblauch, Wanamaker.

Passed to Committee on Rules for second reading.

April 9, 1975.

ENGROSSED HOUSE BILL NO. 675, regulating the receipt of unanticipated funds (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Bailey, Clarke, Jones, Lewis (Harry), Marsh, Murray, Scott, Washington.

Passed to Committee on Rules for second reading.

April 10, 1975.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 821, authorizing hostels (reported by Committee on Parks and Recreation):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Knoblauch, Chairman; Gould, Wanamaker.

Passed to Committee on Rules for second reading.

April 14, 1975.

ENGROSSED HOUSE BILL NO. 988, providing for presidential primaries (reported by Committee on Constitution and Elections):

MAJORITY recommendation: Without recommendation.

Signed by: Senators Beck, Chairman; Grant, Stortini, Washington.

MINORITY recommendation: Do not pass.

Signed by: Senator Pullen.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENTS

April 14, 1975.

DR. BRUCE CRASWELL, to the position of member of the Board of Trustees of Community College District No. 3, Olympic Community College, appointed by the Governor on April 4, 1974 for the term ending April 3, 1979, succeeding himself (reported by the Committee on Higher Education):

Recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Guess, Odegaard, Scott.

Referred to Committee on Rules.

April 14, 1975.

HELEN SUTTON, to the position of member of the Board of Trustees of Community College District No. 6, Seattle Community College, appointed by the Governor on November 26, 1974 for the term ending April 3, 1978, succeeding Eugene Corr (reported by the Committee on Higher Education):

Recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Guess, Odegaard, Scott.

Referred to Committee on Rules.

April 14, 1975.

CHARLOTTE CHALKER, to the position of member of the Board of Trustees of Community College District No. 11, Fort Steilacoom Community College, appointed by the Governor on April 4, 1974 for the term ending April 3, 1979, succeeding herself (reported by the Committee on Higher Education):

Recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Guess, Odegaard, Scott.

Referred to Committee on Rules.

MOTION

On motion of Senator Bailey, Senate Joint Resolution No. 114 was ordered to hold its place on the second reading calendar for Wednesday, April 16, 1975.

SECOND READING

SENATE BILL NO. 2367, by Senators Bottiger, Beck and Matson (by Utilities and Transportation Commission request):

Making certain changes in the laws relating to transportation.

The Senate resumed consideration of Senate Bill No. 2367, as amended on Monday, April 14, 1975. An amendment by Senators Lewis (Harry), Clarke, Francis and Jones was moved for adoption on that day. A Point of Order was raised by Senator Peterson on the proposed amendment.

There being no objection, on motion of Senator Lewis (Harry) the amendment was withdrawn.

On motion of Senator Guess, the following amendment to the title was adopted:

On line 3 of the title, after "81.80.175;" insert "and amending section 3, chapter 69, Laws of 1967 and RCW 81.80.260".

On motion of Senator Bluechel, the following amendment to the title was adopted:

On page 1, line 3 of the title, after "81.80.175;" strike all the matter down to the period on line 4.

On motion of Senator Walgren, the rules were suspended, Engrossed Senate Bill No. 2367 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: "Would Senator Bottiger yield to a question? Senator, I am in sympathy with the idea behind this but what is it going to do with the legitimate trucking companies? They have a terrific investment; they have crews hired and men working. Is this going to put a lot of men out of employment? You have a lot of gyppos going into the business now?"

Senator Bottiger: "Senator Talley, there was no opposition in the committee from any of the trucking representatives. It generally applies to a farmer hauling products on his own truck and just extending the length that he can go with that haul."

Senator Talley: "I think that would be perfectly fine for a farmer to handle his own things . . . something like that, but I do not know how broad this bill is. It kind of worries me a little bit."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2367, and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 1; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, 4Marsh, Matson, McDermott, Morrison, Newschwander, North, Odegard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, Walgren, Wanamaker, Washington, Wilson, Woody—46.

Absent or not voting: Senator von Reichbauer—1.

Excused: Senators Donohue, Murray—2.

ENGROSSED SENATE BILL NO. 2367, having received the 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 Lewis (Harry), Senate Bill No. 2378 was ordered placed on today's second reading calendar following consideration of Senate Bill No. 2181.

On motion of Senator Bailey, Senate Bill No. 2401 was ordered placed at the end of today's second reading calendar.

At 10:04 a.m., on motion of Senator Bailey, the Senate was declared to be at ease. The President called the Senate to order at 11:35 a.m.

MOTION

On motion of Senator Knoblauch, Senators Fleming and Mardesich were excused.

SECOND READING

SENATE BILL NO. 2265, by Senators Woody, Walgren and Bluechel:
Revising regulations of alien banks.

REPORT OF STANDING COMMITTEE

February 25, 1975.

SENATE BILL NO. 2265, revising regulations of alien banks (reported by Committee on Financial Institutions):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, line 1, strike "The government of the country in which the alien bank is incorporated;" and insert "[The government of the country in which the alien bank is incorporated;] *The government of any foreign country and any state, county, province, city or other political subdivision thereof;*"

On page 5, line 21, add a new section following section 3 as follows:

"*NEW SECTION.* Sec. 4. 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."

Signed by: Senators Woody, Chairman; Bluechel, Jones, Walgren.

The bill was read the second time by sections.

On motion of Senator Woody, the committee amendments were adopted.

On motion of Senator Woody, the rules were suspended, Engrossed Senate Bill No. 2265 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Guess: "Would Senator Woody yield? Senator Woody, you described a mandatory liquidity level of a bank. By requiring such a liquidity level in a foreign bank, are we discriminating against them because we do not do the same thing by a state bank?"

Senator Woody: "You ask if we discriminate. We make a distinction, yes. Discrimination, of course, means whether we would handle it differently than our own. Yes, we do."

Senator Guess: "We are requiring them to do something we do not require all people to do, in other words?"

Senator Woody: "Yes."

Senator Guess: "What is the level of liquidity in most of the domestic banks? Have you any idea?"

Senator Woody: "I am sorry, I could not answer that. I could get that information to you, but I could not answer that on the floor."

Senator Guess: "Okay, thank you."

Debate ensued.

POINT OF INQUIRY

Senator Cunningham: "Would Senator Woody yield to another question please? Senator Woody, I agree with Senator Guess, this looks like a good bill, but I had a

couple of questions. Are these banks operating under a national charter or a state charter?"

Senator Woody: "Neither. They are foreign banks operating under the laws of that foreign country."

Senator Cunningham: "And therefore it is our state laws that apply, not the federal banking laws?"

Senator Woody: "Yes, that is correct as far as their operation within the state of Washington."

Senator Cunningham: "Additional question. Are they now eligible for FDIC?"

Senator Woody: "Yes."

Senator Cunningham: "Is this the type of insurance by the federals that, in the event of a failure, they will have sixty days to make good on their claims, or can this insurance be deferred for up to thirty years, as can in some of the state-chartered banks?"

Senator Woody: "The statute on the alien banks merely says that if they do not obtain federal deposit insurance, then they have to make the other arrangements that I described. But it does not say what type of federal deposit insurance options they are required to take."

Senator Cunningham: "Senator Woody, is there anybody here that can answer that, because I think the investors are entitled to know the type of insurance they are getting and I understand there is more than one type of federal insurance?"

Senator Woody: "I am not a banker. I cannot answer that."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2265, and the bill passed the Senate by the following vote: Yeas, 40; nays, 2; absent or not voting, 3; excused, 4.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Marsh, Matson, McDermott, Morrison, Newschwander, North, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, Walgren, Wanamaker, Wilson, Woody—40.

Voting nay: Senators Cunningham, Pullen—2.

Absent or not voting: Senators Stortini, von Reichbauer, Washington—3.

Excused: Senators Donohue, Fleming, Mardesich, Murray—4.

ENGROSSED SENATE BILL NO. 2265, having received the 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. 2181, by Senators Francis, Day, Lewis (Harry), Marsh, Bottiger, Rasmussen and Murray:

Defining gravely disabled.

REPORT OF STANDING COMMITTEE

April 9, 1975.

SENATE BILL NO. 2181, defining gravely disabled (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendment by the Judiciary Committee:

On page 1, line 11, after "needs," strike all the material down through "property" on line 14 and insert "*or in which as a result of a mental disorder a person's judgment is so impaired that he is incapable of realizing, and making a rational decision with respect to, the need for essential care or presents a probability of serious harm to himself, or any other person, or to property*".

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Bailey,

Clarke, Fleming, Jones, Lewis (Harry), Mardesich, Marsh, Murray, Newschwander, Sandison, Washington.

The bill was read the second time by sections.

Senator Francis moved adoption of the committee amendment.

On motion of Senator Lewis (Harry), the following amendment to the committee amendment was adopted:

On line 5 of the amendment to page 1, line 11, strike "or" and insert "and".

The motion by Senator Francis carried and the committee amendment, as amended, was adopted.

On motion of Senator Francis, the rules were suspended, Engrossed Senate Bill No. 2181 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. 2181, and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 1; excused, 4.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Marsh, Matson, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—44.

Absent or not voting: Senator McDermott—1.

Excused: Senators Donohue, Fleming, Mardesich, Murray—4.

ENGROSSED SENATE BILL NO. 2181, having received the 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. 2378, by Senator Rasmussen:

Requiring legal publications in newspapers to be printed in regular size type.

MOTIONS

On motion of Senator Rasmussen, Substitute Senate Bill No. 2378 was substituted for Senate Bill No. 2378, and the substitute bill was placed on second reading and read the second time in full.

Senator Cunningham moved adoption of the following amendment:

On page 1, beginning on line 17, strike all of section 2. Renumber remaining sections consecutively.

POINT OF INQUIRY

Senator Rasmussen: "Will Senator Cunningham yield to a question? Senator Cunningham, this amendment that you have strikes out all summarization of the city ordinances, is that correct?"

Senator Cunningham: "I hope so. As far as legal notices."

Senator Rasmussen: "Thank you."

Debate ensued.

POINT OF INQUIRY

Senator Bailey: "Would Senator Cunningham yield? Senator Cunningham, I realize this is a little out of order, but you said you had another little amendment to follow, and maybe we ought to know what that is before we vote on this one."

Senator Cunningham: "Thank you, Senator Bailey. What I would hope to do would be to go back into Section 1 and change that word 'shall' on line 13 to 'may' so it would be permissive, which is the law now. That deals with the size of the type."

MOTION

At 12:08 p.m., on motion of Senator Bailey, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

President Pro Tempore Henry called the Senate to order at 1:30 p.m.

PERSONAL PRIVILEGE

Senator von Reichbauer: "Mr. President, members of the Senate, I rise to a point of personal privilege. Today, several thousand students from throughout the state of Washington converged on the capitol city to demonstrate their concern over the recent failure of special levies throughout the state, and to urge the legislature to seek alternative funding for education. My comments are not addressed to their cause, though the members are aware of my concern in this area and of my advocacy of alternative funding for education from the state. I would like to address my brief remarks to the conduct of the students who came here. Although they represented different school districts, and had little time to coordinate their efforts, they demonstrated a high degree of maturity in their conduct, proving false the fears of many who thought that these young people would prove to be unruly and unmanageable. On the contrary, they conducted themselves — individually and as a unit — on a high plane, giving credit to their cause, and reaffirming the faith I have in the young people of today.

"For those who fear for the future, I would recommend that they go out and talk to these students for they would see that the future is in good hands."

SECOND READING

SUBSTITUTE SENATE BILL NO. 2378, by Committee on State Government (originally sponsored by Senator Rasmussen):

Requiring legal publications in newspapers to be printed in regular size type.

The Senate resumed consideration of Substitute Senate Bill No. 2378, and the following amendment moved for adoption by Senator Cunningham:

On page 1, line 17, strike all of section 2. Renumber remaining sections consecutively.

Debate ensued.

POINT OF INQUIRY

Senator Wanamaker: "Will Senator Francis yield to a question? Senator Francis, I had a little concern at your summarizing legal notices and such as that. Now what I am concerned about, would this open a door that if that summary did not suffice in the mind of some person, would it open the county or city or whomever is putting in the notice to a legal action?"

Senator Francis: "Senator Wanamaker, I share your concern. I think it certainly could. Any time someone thought that a summary did not accurately reflect the proposal, it could well be subject to challenge."

The motion by Senator Cunningham carried and the amendment was adopted.

On motion of Senator Cunningham, the following amendment was adopted on a rising vote:

On page 1, line 13, strike "shall" and insert "may".

On motion of Senator Rasmussen, the rules were suspended, Engrossed Substitute Senate Bill No. 2378 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 Clarke: "Would Senator Rasmussen yield? With the amendment, Senator, can you tell me just how this bill now changes the present law?"

Senator Rasmussen: "How it changes the present law?"

Senator Clarke: "Yes. As the bill is now amended. If it were passed in this form, how would it change the present law?"

Senator Rasmussen: "If it were passed in this form, it would indicate that the Senate felt that the legal notices should be large enough to be legible and be read by everybody. That would be the indication, Senator, yes."

Senator Clarke: "Merely an indication of intent. It does not change any actual legal requirements?"

Senator Rasmussen: "No, it does not make a compulsion. But I would submit to you, Senator, that at the present time most of the ads that you see in the paper are in six point rather than the eight point, as suggested."

Debate ensued.

POINT OF INQUIRY

Senator Bottiger: "Would Senator Rasmussen yield to a question? Senator Rasmussen, I understand the national advertising rate is one and one-half times the local commercial rate. When they charge political advertising it is actually fifty percent over what they would charge Weisfield's or some commercial establishment in the community?"

Senator Rasmussen: "No."

Senator Bottiger: "What is the national advertising rate?"

Senator Rasmussen: "I will have to yield to Senator Bailey or Senator Wilson."

Senator Bottiger: "Your answer of no then was that you do not know."

Senator Rasmussen: "It is not that great an increase. That is the same rate that you pay for your"

Senator Bottiger: "I am well aware of that, Senator Rasmussen. I am well aware that it is much cheaper if I were selling shoes than politics."

Senator Rasmussen: "That is display advertising which goes at a different rate, yes."

Senator Bottiger: "Hard to tell which is which. Senator Bailey, do you know what the national advertising rate is compared to the local commercial rate?"

Senator Bailey: "Senator Bottiger, when we were in the newspaper business it need not have any relationship one to the other. We established the national rate, our national rate and then if it was too much, of course, no one would advertise with us. The WNTA would go somewhere else. On the other hand, it did not have to have any relationship with our local rates."

Senator Bottiger: "Was it higher or lower?"

Senator Bailey: "Oh, it is always higher. It is the highest rate you have."

Senator Bottiger: "Well, I think that speaks for why I am voting no on the bill. It sounds like the newspapers should be for it. It sounds like it is another grab of — well, let us put it this way, that newspapers should be for it. It substantially increases the cost, not only to the widow, to the clients of the attorney, as Senator Rasmussen says, that by law have to advertise, but to the small towns, the counties and everybody else."

Senator Van Hollebeke: "Senator Bottiger, I can answer that question. The usual variance is from about a thirty to a seventy percent increase for the national rate over the normal display advertising rate for the larger contracts."

Further debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2378, and the bill failed to pass the Senate by the following vote: Yeas. 10; nays, 34; absent or not voting, 2; excused, 3.

Voting yea: Senators Beck, Bluechel, Buffington, Day, Herr, McDermott, Rasmussen, Sandison, von Reichbauer, Walgren—10.

Voting nay: Senators Bailey, Benitz, Bottiger, Clarke, Cunningham, Donohue, Francis, Goltz, Gould, Grant, Guess, Henry, Jolly, Jones, Keefe, Knoblauch, Lewis (R. H. "Bob"), Marsh, Matson, Morrison, Newschwander, North, Odegard, Peterson, Pullen, Ridder, Scott, Sellar, Stortini, Talley, Van Hollebeke, Wanamaker, Washington, Woody—34.

Absent or not voting: Senators Lewis (Harry), Wilson—2.

Excused: Senators Fleming, Mardesich, Murray—3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2378, having failed to receive the constitutional majority, was declared lost.

SECOND READING

SENATE BILL NO. 2083, by Senators Pullen, Rasmussen and Henry:
Prohibiting possession of weapons on capitol grounds.

REPORT OF STANDING COMMITTEE

April 11, 1975.

SENATE BILL NO. 2083, prohibiting possession of weapons on capitol grounds (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendments:

Strike all material after the enacting clause and insert the following:

"*NEW SECTION.* Section 1. There is added to chapter 9.55 RCW a new section to read as follows:

A person, other than a law enforcement officer, security officer, or a law enforcement officer of any other state or the federal government who is carrying out official duties in this state, or any person summoned by any such officer to assist in making arrests or preserving the peace while he is actually engaged in assisting such officer, is guilty of interfering with the legislative process when he alone or in concert with others wilfully and without legal authority or proper authorization carries or possesses a firearm or any explosive, incendiary, or other dangerous device while on the state capitol grounds or within any building in which the chamber of either house of the legislature is located or in which the official office of any member, officer, or employee of the legislature or the office of any committee of the legislature or either house thereof is located.

Any violation of this section shall constitute a gross misdemeanor, and shall be punished by imprisonment in the county jail for not more than one year or by a fine of not more than one thousand dollars, or by both such fine and imprisonment.

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."

Beginning in line 1 of the title after "punishment;" strike all material down to and including the period on line 14 and insert "adding a new section to chapter 9.55 RCW; defining crimes; prescribing penalties; and declaring an emergency."

Signed by: Senators Francis, Chairman; Clarke, Fleming, Jones, Marsh, Van Holbeke.

The bill was read the second time by sections.

On motion of Senator Woody, the following amendment to the committee amendment was adopted:

On page 1, line 12 of section 1, after "authorization" and before "carries" insert "not to include a permit issued pursuant to RCW 9.41.070,".

Debate ensued.

The motion by Senator Francis carried and the committee amendment, as amended, was adopted.

On motion of Senator Francis, the committee amendment to the title was adopted.

On motion of Senator Francis, the rules were suspended, Engrossed Senate Bill No. 2083 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 Senate Bill No. 2083, and the bill passed the Senate by the following vote: Yeas, 38; nays, 7; absent or not voting, 1; excused, 3.

Voting yea: Senators Bailey, Beck, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Marsh, Morrison, Newschwander, North, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Scott, Stortini, Van Hollebeke, Walgren, Wanamaker, Washington, Wilson, Woody—38.

Voting nay: Senators Benitz, Lewis (R. H. "Bob"), McDermott, Pullen, Sellar, Talley, von Reichbauer—7.

Absent or not voting: Senator Matson—1.

Excused: Senators Fleming, Mardesich, Murray—3.

ENGROSSED SENATE BILL NO. 2083, having received the 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. 2243, by Senators North and Francis (by Uniform Legislation Commission request):

Revising laws of filiation proceedings and enacting the Uniform parentage act.

MOTIONS

On motion of Senator Francis, Substitute Senate Bill No. 2243 was substituted for Senate Bill No. 2243, and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Francis, the rules were suspended, Substitute Senate Bill No. 2243 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 Bottiger: "Would Senator Francis yield to a question? Senator Francis, in 1971, I believe, we enacted legislation in response to a court decision. The effect of the legislation was to protect adoptive parents from claims that were later made by the natural parents, and in effect we provided that a person coming to challenge an adoption after it had already taken place had to meet certain statutory requirements. Would this bill in any way reduce that protection we gave to the adoptive parents?"

Senator Francis: "Senator Bottiger, there is nothing in this bill which would undermine the rights of adoptive parents and there is nothing in here which is intended to reduce those rights or those protections which we previously enacted."

POINT OF INQUIRY

Senator Peterson: "Will Senator Francis yield further? Senator, this is a rather lengthy measure and I certainly have not had the opportunity to review it. However, I did raise the question in caucus this morning when we talked about this bill to our caucus attorney and he indicated a section of this might make all of the Democratic male members of the caucus instant fathers, or could be by implication. Is this true? Is this what this act says?"

Senator Francis: "What section are you referring to, Senator?"

Senator Peterson: "I do not have the section. That is why I referred to you as the father of the bill. I thought perhaps you could explain it."

Senator Francis: "I have no idea what you might be referring to. If you could point out specific language I could give you my interpretation, but I know of nothing in here that would create any problem for any member, whether male or female."

POINT OF INQUIRY

Senator Rasmussen: "Will Senator Francis yield to a further question? Senator Francis, I notice this is Uniform Law Commission recommendation. What changes were made in the substitute bill that were different from the original uniform law?"

Senator Francis: "Senator Rasmussen, we made a number of changes on almost every page. We worked it through in a very deliberate way and we worked it through again. Twice we went through the bill making wording changes here and wording changes there. This committee amendment is, or substitute bill, embodies all of those changes so I could not tell you exactly without going through it now word by word just which words were changed."

Senator Rasmussen: "It is no longer the Uniform Law Commission bill then?"

Senator Francis: "No, it is not. It is based upon the uniform laws and based upon what the Uniform Law Commission came up with. We felt that we had to make the policy for this legislature and we could not just adopt it. We feel in the committee that it is a great improvement now upon the recommendation of the Uniform Law Commissioners."

Senator Rasmussen: "Thank you, Senator."

MOTION

On motion of Senator Lewis (R. H. "Bob"), Senator Matson was excused.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2243, and the bill passed the Senate by the following vote: Yeas, 36; nays, 9; excused, 4.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (R. H. "Bob"), Marsh, McDermott, Morrison, Newschwander, North, Odegaard, Pullen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Walgren, Wana-maker, Washington—36.

Voting nay: Senators Day, Donohue, Lewis (Harry), Peterson, Rasmussen, Van Hollebeke, von Reichbauer, Wilson, Woody—9.

Excused: Senators Fleming, Mardesich, Matson, Murray—4.

SUBSTITUTE SENATE BILL NO. 2243, having received the 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 Peterson, Senate Bill No. 2417 was ordered placed at the end of today's second reading calendar.

SECOND READING

SUBSTITUTE SENATE BILL NO. 2241, by Committee on Labor (originally sponsored by Senators Ridder, Marsh and Matson):

Authorizing resumption of payments to a widow of a workman after remarriage has terminated.

MOTIONS

On motion of Senator Ridder, Second Substitute Senate Bill No. 2241 was substituted for Substitute Senate Bill No. 2241, and the second substitute bill was placed on second reading and read the second time in full.

On motion of Senator Ridder, the rules were suspended, Second Substitute Senate Bill No. 2241 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 Second Substitute Senate Bill No. 2241, and the bill passed the Senate by the following vote: Yeas, 38; nays, 6; absent or not voting, 1; excused, 4.

Voting yea: Senators Bailey, Beck, Benitz, Buffington, Clarke, Cunningham, Day, Donohue, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Keefe, Knoblauch, Lewis (R. H. "Bob"), Marsh, McDermott, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Stortini, Talley, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—38.

Voting nay: Voting nay: Senators Bluechel, Bottiger, Jones, Lewis (Harry), Scott, Van Hollebeke—6.

Absent or not voting: Senator Sellar—1.

Excused: Senators Fleming, Mardesich, Matson, Murray—4.

SECOND SUBSTITUTE SENATE BILL NO. 2241, having received the 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 Knoblauch, Senator Donohue was excused.

On motion of Senator Bailey, Senate Bill No. 2218 was ordered to hold its place on the second reading calendar for Wednesday, April 16, 1975.

On motion of Senator Bailey, Senate Bill No. 2007 was ordered to hold its place on the second reading calendar for Thursday, April 17, 1975.

SECOND READING

SENATE BILL NO. 2910, by Senators Bottiger and Walgren:

Increasing fee to county auditor appointed by the director to issue vehicle license plates.

The bill was read the second time by sections.

On motion of Senator Bottiger, the rules were suspended, Senate Bill No. 2910 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. 2910, and the bill passed the Senate by the following vote: Yeas, 43; nays, 1; absent or not voting, 1; excused, 5.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Marsh, McDermott, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Stortini, Talley, Van Hollebeke, Walgren, Wanamaker, Washington, Wilson, Woody—43.

Voting nay: Senator von Reichbauer—1.

Absent or not voting: Senator Sellar—1.

Excused: Senators Donohue, Fleming, Mardesich, Matson, Murray—5.

SENATE BILL NO. 2910, having received the 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. 2411, by Senators Bailey, Stortini, Benitz, and Lewis (Harry):
Creating credit union share guaranty association.

REPORT OF STANDING COMMITTEE

April 3, 1975.

SENATE BILL NO. 2411, creating credit union share guaranty association (reported by Committee on Financial Institutions):

MAJORITY recommendation: Do pass with the following amendments:

On page 3, line 3, after "amended" insert ", provided such investments do not exceed a maximum maturity of ninety days".

On page 3, line 14, before "(2)" insert "(c) Must not be in the process of liquidation, either voluntary or involuntary."

On page 7, line 36, after "reserve" insert ": PROVIDED, That members shall not be liable for any amount of assessment exceeding their share guaranty contingency reserve or for any assessments exceeding those permitted in sections 6 and 7 of this act as now or hereafter amended".

On page 9, line 23, after "no" insert "separate and individual".

On page 9, line 25, strike "the association or its".

On page 9, line 26, after "employees" insert "of the association".

Signed by: Senators Woody, Chairman; Bluechel, Clarke, Jones, Walgren.

The bill was read the second time by sections.

On motion of Senator Woody, the committee amendments were adopted.

POINT OF INQUIRY

Senator Rasmussen: "Senator Woody, you were moving so fast on your amendments you lost me about four amendments ago."

Senator Woody: "I was trying to keep up with the gavel."

Senator Rasmussen: "Slow up, Mr. President. Senator Woody, you had an amendment — I am trying to find it here in my book — which said that this insurance fund was only going to be liable for the amount that the credit union has paid in?"

Senator Woody: "Yes. It is on page 7 in your book, at the bottom of the page, page 7, line 36. It does not say it that way. It says that the assets in the guarantee fund would be used in its entirety toward payment of any claims in the event of a failure of a particular credit union. But as to the rest of the members, that is the rest of the credit unions within the state of Washington, they would not be liable. That is, their capital assets would not be liable for some other credit union failure."

Senator Rasmussen: "But the whole amount of the insurance fund would be available?"

Senator Woody: "Yes, it would be."

Senator Rasmussen: "Now is it contemplated that that would be big enough to take the cost of the failure of a credit union of any size?"

Senator Woody: "The donation portion. The funding portion is on page 4, lines 10 through 13, and it says, 'one-half of one percent of the total insurable outstanding shares and deposit balances of each credit union.' And quite frankly, this particular provision was looked over by the state, I think it was the Savings and Loan supervisor, because it was about as similar as you could get to that situation, and it is a shot in the dark as to whether it is going to be enough, but right now there is nothing. So this, if it proves — hopefully, knock on wood, we will never have a credit union fail — but if one were to fail and this were not to be of sufficient amount, then we will have learned a lesson and we will have to come back and increase the funding."

Senator Rasmussen: "I do not know of any that are in trouble or will be in trouble. They have a very good record. That is why I was wondering if that total amount would be enough. At the present time, federally insured or chartered credit unions go under the federal bank insurance act and under the nonlimited funds. Well, as they say, there is a danger if enough banks went broke they would not be able to pay off except to tap the general fund, but the opinion was that this would raise enough for protection?"

Senator Woody: "All the indications we have right now are that this would be enough. But then again, all the indications we have right now are all of our credit unions in the state of Washington are in a good position, are very solvent, and there is really no danger that any of them would go broke."

Senator Rasmussen: "Now for the second question, Senator Woody, in relation to this bill, at the present time credit unions do have a voluntary type of reinsurance program where they banded together and they have taken care of where credit unions have had hard luck."

Senator Woody: "Some do and some do not. It is like the Federal Old Line situation that Senator Bottiger presented the other day. That started out on somewhat of a voluntary basis and then, in order to make it equitable it had to turn into a mandatory situation, as this would."

Senator Rasmussen: "This would have no effect on those that are in the process of having their problems resolved?"

Senator Woody: "To my knowledge, there are no state credit unions which have any problems to be resolved."

Senator Rasmussen: "Thank you."

On motion of Senator Woody, the rules were suspended, Engrossed Senate Bill No. 2411 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. 2411, and the bill passed the Senate by the following vote: Yeas, 43; absent or not voting, 1; excused, 5. Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Marsh, McDermott, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—43.

Absent or not voting: Senator Sellar—1.

Excused: Senators Donohue, Fleming, Mardesich, Matson, Murray—5.

ENGROSSED SENATE BILL NO. 2411, having received the 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. 2328, by Senators Guess, Bottiger and Lewis (R. H. "Bob") (by Department of Highways request):

Providing a change in the distribution and utilization of motor vehicle fuel and use taxes.

The bill was read the second time by sections.

On motion of Senator Bottiger, the rules were suspended, Senate Bill No. 2328 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. 2328, and the bill passed the Senate by the following vote: Yeas, 41; nays, 3; excused, 5.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Marsh, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Stortini, Talley, Van Hollebeke, Walgren, Wanamaker, Washington, Wilson, Woody—41.

Voting nay: Senators McDermott, Scott, von Reichbauer—3.

Excused: Senators Donohue, Fleming, Mardesich, Matson, Murray—5.

SENATE BILL NO. 2328, having received the 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. 2395, by Senators Woody, Marsh and Buffington:
Raising court reporters' salaries.

The bill was read the second time by sections.

Senator Goltz moved adoption of the following amendment:

On page 1, beginning on line 13, strike all the material down to and including the semicolon on line 18 and insert: "[(2) In judicial districts having a total population of forty thousand or more, excluding Class AA counties, fourteen thousand dollars per annum;

(3) In judicial districts having a total population of twenty-five thousand and under forty thousand, eight thousand four hundred dollars per annum;]

(2) *In judicial districts in other than Class AA counties the salary of the official court reporter or reporters shall be fixed by the board of county commissioners of the county or counties employing such reporters;*"

POINT OF INQUIRY

Senator Lewis (Harry): "Would Senator Goltz yield to a question? Senator Goltz, how are the district courts which pay the court reporters, as I understand it, funded? Superior courts? It is my understanding that they are funded fifty percent by the state."

Senator Goltz: It was my understanding that they were funded totally by the counties, but I could stand corrected."

Debate ensued.

POINT OF INQUIRY

Senator Walgren: "Would Senator Woody yield to a question? I do not know whether this is best addressed to you, Senator Woody, or to Senator Francis, but since he referred to the fact that you had some figures on this matter, can you tell me whether or not the committee considered the amount of money that court reporters make beyond the salary that is paid by the county?"

Senator Woody: "You are now asking me a question relating not to freelancers, but to court reporters working in superior court. We were aware, as all lawyers are, that dependent upon the workload of that particular court reporter, some of them do, some of them do not, but some of them do take depositions on weekends or in the evening and do make extra money. There is no way of knowing how much more they do, any more than there is of knowing how much the professors at the University of Washington and WSU make in their moonlighting."

Senator Walgren: "A private attorney requesting a daily transcript, for instance, during a trial or otherwise would have to pay for the transcription of that work that is being paid for by the county, would he not?"

Senator Woody: "That is correct."

Senator Morrison: "Mr. President, in response to the question raised by Senator Walgren, in testimony in the committee, it was indicated that the average additional earnings were approximately twenty-five hundred dollars per year on the average, Senator Walgren."

Senator Lewis (Harry): "Mr. President, Senator Goltz, I have had clarification from Senator Odegaard who called the staff, and I want to apologize to the Senate. The moneys are paid by the counties and I was in error in the assumption that I raised on the floor, so it is a fully funded county project."

Further debate ensued.

The motion by Senator Goltz carried and the amendment was adopted.

On motion of Senator Goltz, the following amendments were considered and adopted simultaneously:

On page 1, line 20, after "county" insert "*or counties*".

On page 1, line 22 delete "judge or judges" and insert "[judge or judges] *commissioners*".

On motion of Senator Beck, the rules were suspended, Engrossed Senate Bill No.

2395 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. 2395, and the bill passed the Senate by the following vote: Yeas, 40; nays, 5; excused, 4.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Buffington, Cunningham, Day, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—40.

Voting nay: Senators Bottiger, Clarke, Francis, Jones, Woody—5.

Excused: Senators Donohue, Fleming, Matson, Murray—4.

ENGROSSED SENATE BILL NO. 2395, having received the 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 Peterson, Senate Bill No. 2417 was ordered placed at the end of the second reading calendar for Wednesday, April 16, 1975.

At 3:20 p.m., on motion of Senator Mardesich, the Senate adjourned until 9:45 a.m., Wednesday, April 16, 1975.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

THIRTY-FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, April 16, 1975.

The Senate was called to order at 9:45 a.m., by President Pro Tempore Henry. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senator Herr. On motion of Senator Knoblauch, Senator Herr was excused.

The Color Guard, consisting of Pages Mariellen Hicks and Eric Green, presented the Colors. Reverend George M. Mitchell, pastor of the First Christian Church of Olympia, offered the following prayer:

"ETERNAL GOD AND LOVING HEAVENLY FATHER, AS THESE SENATORS COME TOGETHER FOR ANOTHER DAY, WE PAUSE TO ASK YOUR BLESSING AND GUIDANCE UPON EACH ONE OF THEM. WHEN THEY ARE HONESTLY PERPLEXED, GIVE THEM WISDOM TO DETERMINE THE REAL ISSUES AND TO CHOOSE RIGHTLY BETWEEN THEM. WHEN THEY ARE PRESSURED FROM EVERY SIDE, GIVE THEM THE COURAGE TO DECIDE WITHOUT PREJUDICE. WHEN THEY ARE CONFRONTED WITH DIFFICULT DECISIONS, GIVE THEM STRENGTH TO ACT WITHOUT DELAY. AMEN."

MOTION

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

REPORTS OF STANDING COMMITTEES

April 15, 1975.

SENATE BILL NO. 2638, amending distribution of drivers' license fees revenue (reported by Committee on Rules):

MAJORITY recommendation: That Senate Bill No. 2638 be referred to the Committee on Ways and Means.

Signed by: Lieutenant Governor Cherberg, Chairman; Senators Bailey, Clarke, Henry, Lewis (Harry), Mardesich, Marsh, Matson.

Referred to Committee on Ways and Means.

April 14, 1975.

SENATE BILL NO. 2692, establishing standards for making buildings and facilities accessible to and usable by physically disabled persons (reported by Committee on Local Government):

MAJORITY recommendation: That Substitute Senate Bill No. 2692 be substituted therefor and the substitute bill do pass.

Signed by: Senators Fleming, Chairman; Jolly, McDermott, North, Sellar.

Passed to Committee on Rules for second reading.

April 16, 1975.

SUBSTITUTE HOUSE BILL NO. 511, requiring that milk producers be paid costs of production (reported by Committee on Agriculture):

Recommendation: That the bill be referred to Committee on Ways and Means.

Signed by: Senators Jolly, Chairman; Benitz, Day, Sellar, Wilson.

Referred to Committee on Ways and Means.

MOTIONS

On motion of Senator Bailey, Senate Joint Resolution No. 114 was ordered to hold its place on the second reading calendar for Thursday, April 17, 1975.

At 9:55 a.m., on motion of Senator Bailey, the Senate recessed until 12:10 p.m.

NOON SESSION

President Pro Tempore Henry called the Senate to order at 12:10 p.m.

MOTION

On motion of Senator Lewis (R. H. "Bob"), Senators Newschwander and Scott were excused.

SECOND READING

SENATE BILL NO. 2218, by Senators Talley and Goltz:

Providing a minimum limit for port district work contracts without bids.

REPORT OF STANDING COMMITTEE

April 1, 1975.

SENATE BILL NO. 2218, providing a minimum limit for port district work contracts without bids (reported by Committee on Local Government):

MAJORITY recommendation: Do pass with the following amendment:

In section 1, line 16, after the period following "bidder" add new paragraphs as follows:

"Each port district shall maintain a small works roster which shall be comprised of all contractors who have requested to be on the roster and are, where required by law, properly licensed or registered to perform such work in the state of Washington.

Whenever work is done by contract, the estimated cost of which is fifty thousand dollars or less, the managing official of the port district shall invite proposals from all appropriate contractors on the small works roster: PROVIDED, That whenever possible, the managing official shall invite at least one proposal from a minority contractor who shall otherwise qualify under this section. Such invitation shall include an estimate of the scope and nature of the work to be performed, and materials and equipment to be furnished.

When awarding such a contract for work, the estimated cost of which is fifty thousand dollars or less, the managing official shall give weight to the contractor submitting the lowest and best proposal. Whenever possible, and whenever it would not violate the public interest, such contracts shall be distributed equally among contractors, including minority contractors, on the small works roster."

Signed by: Senators Fleming, Chairman; Jolly, North, Sellar, Talley.

The bill was read the second time by sections.

Senator Fleming moved adoption of the committee amendment.

Senator Lewis (Harry) moved adoption of the following amendment to the committee amendment:

In paragraph 2, line 2, after "cost of which is" strike "fifty" and insert "fifteen".

On motion of Senator Lewis (Harry), an oral amendment changing "fifteen" to "thirty" was adopted.

Debate ensued.

The motion by Senator Lewis (Harry) carried and the amendment to the committee amendment was adopted.

Senator Lewis (Harry) moved adoption of the following amendment to the committee amendment:

In paragraph 3, line 2 after "cost of which is" strike "fifty" and insert "fifteen".

On motion of Senator Lewis (Harry), an oral amendment changing "fifteen" to "thirty" was adopted.

The motion by Senator Lewis (Harry) carried and the amendment to the committee amendment was adopted.

There being no objection, the amendment by Senator Lewis (Harry) to page 1, section 2, line 8 was withdrawn.

On motion of Senator Woody, the following amendment to the committee amendment was adopted:

In paragraph 3, line 5, strike "*whenever possible*".

The motion by Senator Fleming carried and the committee amendment, as amended, was adopted.

PERSONAL PRIVILEGE

Senator Lewis (Harry): "Mr. President and members of the Senate, the port districts at the present time have work crews and they are doing a substantial amount of work, as I understand it. In discussing this with Senator Talley and with the port lobbyist, they convinced me that there would be difficulty involved if this amendment were to hang. This does not, however — I have withdrawn that amendment at their request at the present time, but I do intend to introduce a resolution asking probably the State Government Committee to take a look at the contracting efforts that are being made by port districts. And I want to bring that to the attention of the members of the Senate. Of all agencies of government, the port districts have the broadest powers, they and the PUD's, and I think that this one area is one that should be looked at. We have tightened up the reins on cities and counties and their ability to contract and they have resisted any efforts to do that. At their request, and primarily at Senator Talley's request I have withdrawn this amendment but I think it is important that we understand what is going on. I am not suggesting that anything unethical is going on, but I for one am not aware of the details, the amount of construction that is being done by port districts, the amount of capital investment that they are making, with or without public authority. I think that a resolution which is being drafted now is one that we should consider."

Debate ensued.

On motion of Senator Lewis (Harry), the following amendment was adopted:

On page 1, section 1, line 10, strike "*fifty*" and insert "*thirty*".

On motion of Senator Fleming, the rules were suspended, Engrossed Senate Bill No. 2218 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. 2218, and the bill passed the Senate by the following vote: Yeas, 44; nays, 2; excused, 3.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Morrison, North, Odegard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—44.

Voting nay: Senators Matson, Murray—2.

Excused: Senators Herr, Newschwander, Scott—3.

ENGROSSED SENATE BILL NO. 2218, having received the 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 12:28 p.m., on motion of Senator Mardesich, the Senate recessed until 1:15 p.m.

AFTERNOON SESSION

President Pro Tempore Henry called the Senate to order at 1:15 p.m.

There being no objection, Senators Bailey, Donohue and Mardesich were excused.

MOTION

On motion of Senator Henry, Senate Bill No. 2401 was ordered placed at the end of today's second reading calendar.

SECOND READING

SENATE BILL NO. 2741, by Senators Clarke, Jolly and Jones:

Establishing conversion procedures for savings and loan association and mutual savings banks.

The bill was read the second time by sections.

On motion of Senator Clarke, the rules were suspended, Senate Bill No. 2741 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. 2741, and the bill passed the Senate by the following vote: Yeas, 39; absent or not voting, 4; excused, 6.

Voting yea: Senators Beck, Bottiger, Buffington, Clarke, Cunningham, Day, Francis, Goltz, Gould, Grant, Guess, Henry, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Marsh, Matson, McDermott, Morrison, Murray, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—39.

Absent or not voting: Senators Benitz, Bluechel, Fleming, Lewis (R. H. "Bob")—4.

Excused: Senators Bailey, Donohue, Herr, Mardesich, Newschwander, Scott—6.

SENATE BILL NO. 2741, having received the 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. 2111, by Senator Francis:

Creating position of warrant server and defining authority thereof in municipal courts of cities of more than five hundred thousand inhabitants.

The bill was read the second time by sections.

On motion of Senator Francis, the rules were suspended, Senate Bill No. 2111 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. 2111, and the bill passed the Senate by the following vote: Yeas, 43; absent or not voting, 1; excused, 5.

Voting yea: Senators Beck, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Marsh, Matson, McDermott, Morrison, Murray, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—43.

Absent or not voting: Senator Benitz—1.

Excused: Senators Bailey, Donohue, Herr, Mardesich, Newschwander—5.

SENATE BILL NO. 2111, having received the 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. 2944, by Senator Mardesich:

Permitting investment of public funds in the Asian development bank.

The bill was read the second time by sections.

On motion of Senator Woody, the rules were suspended, Senate Bill No. 2944 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. 2944, and the bill passed the Senate by the following vote: Yeas, 39; nays, 2; absent or not voting, 3; excused, 5.

Voting yea: Senators Beck, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Francis, Goltz, Gould, Grant, Guess, Henry, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Marsh, Morrison, Murray, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, Walgren, Wanamaker, Washington, Wilson, Woody—39.

Voting nay: Senators McDermott, von Reichbauer—2.

Absent or not voting: Senators Benitz, Fleming, Matson—3.

Excused: Senators Bailey, Donohue, Herr, Mardesich, Newschwander—5.

SENATE BILL NO. 2944, having received the 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. 2375, by Senators Guess, Washington and Beck:

Exempting solar heating equipment in homes from sales and use taxes.

The bill was read the second time by sections.

On motion of Senator Guess, the rules were suspended, Senate Bill No. 2375 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. 2375, and the bill passed the Senate by the following vote: Yeas, 33; nays, 9; absent or not voting, 2; excused, 5.

Voting yea: Senators Beck, Bluechel, Bottiger, Buffington, Day, Francis, Goltz, Grant, Guess, Henry, Keefe, Knoblauch, Lewis (R. H. "Bob"), Marsh, Matson, Morrison, Murray, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—33.

Voting nay: Senators Benitz, Clarke, Cunningham, Jolly, Jones, Lewis (Harry), McDermott, Van Hollebeke, Woody—9.

Absent or not voting: Senators Fleming, Gould—2.

Excused: Senators Bailey, Donohue, Herr, Mardesich, Newschwander—5.

SENATE BILL NO. 2375, having received the 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. 2466, by Senators Walgren, Clarke and Bottiger:

Providing for deposit of retained percentage funds on public works contract in bank or savings accounts.

REPORT OF STANDING COMMITTEE

April 3, 1975.

SENATE BILL NO. 2466, providing for deposit of retained percentage funds on public works contract in bank or savings accounts (reported by Committee on Financial Institutions):

MAJORITY recommendation: Do pass with the following amendment:

On page 2, line 12, strike all of subsection (b) and insert "(b) Deposited by the public body in an interest bearing account in a bank, mutual savings bank, or savings and loan association, not subject to withdrawal until after the final acceptance of said improvement or work as completed, or until agreed to by both parties: PROVIDED, That interest on such account shall be paid to the contractor;"

Signed by: Senators Woody, Chairman; Bluechel, Clarke, Herr, Jones, Walgren.

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. 2466 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. 2466, and the bill passed the Senate by the following vote: Yeas, 43; absent or not voting, 1; excused, 5.

Voting yea: Senators Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Francis, Goltz, Gould, Grant, Guess, Henry, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Marsh, Matson, McDermott, Morrison, Murray, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Selar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—43.

Absent or not voting: Senator Fleming—1.

Excused: Senators Bailey, Donohue, Herr, Mardesich, Newschwander—5.

ENGROSSED SENATE BILL NO. 2466, having received the 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. 2623, by Senators Marsh and Stortini:

*Requiring reports of child abuse to be forwarded to the prosecuting attorney for investigation and action.

REPORT OF STANDING COMMITTEE

April 8, 1975.

SENATE BILL NO. 2623, requiring reports of child abuse to be forwarded to the prosecuting attorney for investigation and action (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendments:

Strike all the material after the enacting clause and insert the following:

"Section 1. Sec. 3, chapter 13, Laws of 1965 as last amended by section 1, chapter 167, Laws of 1971 ex. sess. and RCW 26.44.030 are each amended to read as follows:

(1) When any practitioner, professional school personnel, registered nurse, social worker, psychologist, pharmacist, clergyman, nor employee of the department of social and health services has reasonable cause to believe that a child has died or has had physical injury or injuries inflicted upon him, other than by accidental means, or is found to be suffering from physical neglect, or sexual abuse, he shall report such incident, or cause a report to be made, to the proper law enforcement agency [or], the proper prosecuting attorney and to the department of social and health services as provided in RCW 26.44.040.

(2) When a practitioner, professional school personnel, registered nurse, social worker, psychologist, pharmacist, clergyman, or employee of the department of social and health services is attending a child as part of his regular duties and has cause to believe that such child has died or has had physical injury or injuries inflicted upon him other than by accidental means, or who is found to be suffering from physical neglect, or sexual abuse, he shall notify the person in charge of the institution, organization, school, or the department or his designated representative, who shall report the incident or cause such reporting to be made as provided in RCW 26.44.040.

Sec. 2. Section 4, chapter 13, Laws of 1965 as last amended by section 2, chapter 167, Laws of 1971 ex. sess. and RCW 26.44.040 are each amended to read as follows:

An immediate oral report shall be made by telephone or otherwise to the proper law enforcement agency [or] , *the proper prosecuting attorney* and the department of social and health services, *as provided in RCW 26.44.030*, and shall be followed by a report in writing. Such reports shall contain the following information, if known:

- (1) The name, address, and age of the child;
- (2) The name and address of the child's parents, stepparents, guardians, or other persons having custody of the child;
- (3) The nature and extent of the child's injury or injuries;
- (4) The nature and extent of the child's physical neglect;
- (5) The nature and extent of the sexual abuse;
- (6) Any evidence of previous injuries, including their nature and extent; and
- (7) Any other information which may be helpful in establishing the cause of the child's death, injury, or injuries and the identity of the perpetrator or perpetrators.

Sec. 3. Section 5, chapter 13, Laws of 1965 as last amended by section 15, chapter 302, Laws of 1971 ex. sess. and RCW 26.44.050 are each amended to read as follows:

Upon the receipt of a report concerning the possible nonaccidental infliction of a physical injury upon a child or physical neglect, or sexual abuse, it shall be the duty of the law enforcement agency or the department of social and health services to investigate and provide child welfare services with a report in accordance with the provision of chapter 74.13 RCW, and where necessary to refer such report to the court *and the proper prosecuting attorney*. Notwithstanding the provisions of RCW 13.04.130 as now or hereafter amended, the law enforcement agency or the department of social and health services investigating such a report is hereby authorized to photograph such a child for the purpose of providing documentary evidence of the physical condition of the child at the time the child was taken into custody."

Signed by: Senators Francis, Chairman; Buffington, Clarke, Jones, Marsh, Scott, Van Hollebeke, Woody.

The bill was read the second time by sections.

On motion of Senator Marsh, the committee amendment was adopted.

On motion of Senator Marsh, the rules were suspended, Engrossed Senate Bill No. 2623 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Lewis (Harry): "Would Senator Marsh yield? Senator Marsh, what does the word 'the proper prosecuting attorney' mean?"

Senator Marsh: "In some cases it is a question of whether it was the Clark County Prosecutor or the Cowlitz County Prosecutor or the Thurston County Prosecutor, and so it is intended by the word 'proper' that it be referred to the local prosecuting attorney, the prosecuting attorney in the county where the child abuse occurred."

POINT OF INQUIRY

Senator Van Hollebeke: "Would Senator Marsh yield? Senator Marsh, can you please tell me if the word 'practitioner' is defined here anywhere? It says, 'when any practitioner, professional school personnel, etc. shall discover this;' at the beginning of (1)."

Senator Marsh: "Yes, Senator Van Hollebeke. Practitioner is not defined in the

bill. However, it is defined in statutes and if you wanted me to take a moment I could look up that definition for you."

Senator Van Hollebeke: "If you know that it is defined and it is pertinent. Do you know about what it means as applied here?"

Senator Marsh: "Yes, it includes doctors and other practitioners of the healing arts."

Senator Van Hollebeke: "Thank you."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2623, and the bill passed the Senate by the following vote: Yeas, 41; absent or not voting, 3; excused, 5.

Voting yea: Senators Beck, Benitz, Bluechel, Bottiger, Buffington, Cunningham, Day, Francis, Goltz, Gould, Grant, Guess, Henry, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Marsh, Matson, McDermott, Morrison, Murray, North, Odegaard, Peterson, Pullen, Rasmussen, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—41.

Absent or not voting: Senators Clarke, Fleming, Ridder—3.

Excused: Senators Bailey, Donohue, Herr, Mardesich, Newschwander—5.

ENGROSSED SENATE BILL NO. 2623, having received the 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. 2945, by Senators Washington, Talley and North:

Authorizing merger of sewer districts across county lines.

The bill was read the second time by sections.

On motion of Senator Washington, the rules were suspended, Senate Bill No. 2945 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. 2945, and the bill passed the Senate by the following vote: Yeas, 42; absent or not voting, 2; excused, 5.

Voting yea: Senators Beck, Benitz, Bluechel, Bottiger, Buffington, Cunningham, Day, Francis, Goltz, Gould, Grant, Guess, Henry, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Marsh, Matson, McDermott, Morrison, Murray, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—42.

Absent or not voting: Senators Clarke, Fleming—2.

Excused: Senators Bailey, Donohue, Herr, Mardesich, Newschwander—5.

SENATE BILL NO. 2945, having received the 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. 2563, by Senators Wanamaker, Sellar and Walgren:
Relating to air transportation.

REPORT OF STANDING COMMITTEE

March 26, 1975.

SENATE BILL NO. 2563, relating to air transportation (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass with the following amendments:

Beginning on line 3, after "Section 1." strike all of the material down through the period on line 4 and insert "There is added to chapter 15, Laws of 1961 and to chapter 82.16 RCW a new section to read as follows:

The provisions of this chapter shall not apply with respect to airplane transportation business conducted by an air carrier exempt from route certification requirements of any federal or Washington state regulatory agency.

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 existing public institutions and shall take effect on July 1, 1975."

On line 1 of the title, after "transportation" insert "; declaring an emergency and prescribing an effective date":

Signed by: Senators Walgren, Chairman; Henry, Vice Chairman; Bluechel, Bottiger, Jolly, Morrison, Peterson, Sellar, Wanamaker.

The bill was read the second time by sections.

On motion of Senator Wanamaker, the committee amendment was adopted.

On motion of Senator Wanamaker, the committee amendment to the title was adopted.

On motion of Senator Wanamaker, the rules were suspended, Engrossed Senate Bill No. 2563 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. 2563, and the bill passed the Senate by the following vote: Yeas, 43; absent or not voting, 1; excused, 5.

Voting yea: Senators Beck, Benitz, Bluechel, Bottiger, Buffington, Cunningham, Day, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Marsh, Matson, McDermott, Morrison, Murray, North, Odogaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—43.

Absent or not voting: Senator Clarke—1.

Excused: Senators Bailey, Donohue, Herr, Mardesich, Newschwander—5.

ENGROSSED SENATE BILL NO. 2563, having received the 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 McDermott, all members were permitted as additional sponsors to Senate Resolution 1975-31.

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

SENATE RESOLUTION 1975-31

By Senators Keefe, Day, Guess, Lewis (R. H. "Bob"), Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Donohue, Fleming, Francis, Goltz, Gould, Grant, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odogaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson and Woody:

WHEREAS, On April 14, 1975, the City of Spokane, Washington, was chosen by the National Municipal League as one of the nation's All-American cities; and

WHEREAS, This honor was bestowed as a result of high placing in a contest in which 524 cities participated and Spokane was the largest city selected and was the only city selected from the Pacific Northwest; and

WHEREAS, Spokane's award-winning presentation centered on riverfront reclamation, city redevelopment, with private citizens committing ideas, time and dollars; the successful promotion of EXPO '74, the consolidation and relocation of railroads, the rejuvenation of the downtown areas, and the beautification of streets with plantings and lighting in the downtown area; and

WHEREAS, The civic involvement by the populace has created an excellent climate with respect to the relationship of the local government and the people in Spokane; and

WHEREAS, The honor bestowed on the City of Spokane is the result of unselfish efforts of many of the citizens of Spokane; and

WHEREAS, The city has pledged to capitalize on the award by continuing to have the citizen participation for the betterment of the community; and

WHEREAS, The members of the Senate are proud of the achievements of Spokane;

NOW, THEREFORE, BE IT RESOLVED, That the members of the Senate do hereby extend to the Mayor of Spokane, the members of the City Council, the individuals who worked on the All-American City Committee, and to the energetic dedicated citizens of Spokane, congratulations on the occasion of receiving this richly deserved honor which has brought credit to the State of Washington; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate be and he hereby is instructed to forward a copy of this resolution to the citizens of Spokane in care of Mayor David H. Rodgers.

NOTICE OF RECONSIDERATION

Having voted on the prevailing side, Senator Washington served notice that he would, on the next working day, move for reconsideration of the vote by which Engrossed Senate Bill No. 2466 passed the Senate.

MOTION

At 2:08 p.m., on motion of Senator Sandison, the Senate adjourned until 9:45 a.m., Thursday, April 17, 1975.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

THIRTY-FIFTH DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, April 17, 1975.

The Senate was called to order at 9:45 a.m., by President Pro Tempore Henry. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Buffington, Donohue, Fleming, Francis, Herr, Lewis (Harry), Matson, McDermott, Murray, North, Rasmussen, Ridder and Scott.

On motion of Senator Odegaard, Senator Donohue was excused. On motion of Senator Knoblauch, Senators Fleming, Francis, Herr, McDermott, Rasmussen and Ridder were excused. On motion of Senator Lewis 'R. H. "Bob"', Senators Buffington, Lewis (Harry), Matson, Murray, North and Scott were excused.

The Color Guard, consisting of Pages Pamela Kilborn and Bruce Lamb, presented the Colors. Reverend George M. Mitchell, pastor of the First Christian Church of Olympia, offered the following prayer:

"ETERNAL GOD, FATHER OF ALL MANKIND, WE LIFT OUR PRAYERS TO YOU AT THIS HOUR TO RECOGNIZE YOU AS THE SOURCE OF LIFE AND ALL THAT MAKES LIFE MEANINGFUL. AND YET MANY PERSONS IN THIS LAND HAVE LESS THAN ADEQUATE RESOURCES TO MEET THEIR BASIC NEEDS.

"SO MAY THESE CRITICAL HUMAN NEEDS PRESS INTO OUR AWARENESS, AND MAY WE NOT TURN OUR BACKS UPON THE PROBLEMS WHICH HAVE CREATED THESE NEEDS. ENDOW EACH OF THESE SENATORS WITH WISDOM AND INSIGHT, SO THAT THE DECISIONS MADE HERE MIGHT BEGIN TO PROVIDE SOLUTIONS AND HOPE FOR THE FUTURE. AMEN."

MOTION

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

MOTIONS

On motion of Senator Mardesich, the Senate advanced to the sixth order of business.

On motion of Senator Mardesich, the Senate commenced consideration of Senate Bill No. 2613.

SECOND READING

SENATE BILL NO. 2613, by Senators Marsh, Francis and Jones:
Authorizing pre-trial diversion programs approved by the court.

REPORT OF STANDING COMMITTEE

April 9, 1975.

SENATE BILL NO. 2613, authorizing pre-trial diversion programs approved by the court (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendment:

Strike everything after the enacting clause and insert the following:

"*NEW SECTION.* Section 1. Upon arraignment a person charged with a misdemeanor or gross misdemeanor may petition the court to be considered for a deferred prosecution program.

NEW SECTION. Sec. 2. The petition shall allege that the wrongful conduct charged is the result of or caused by alcohol problems, drug problems, or emotional and/or mental problems for which the person is in need of treatment and unless treated the

probability of future reoccurrence is great, along with a statement that the person agrees to pay the cost of a diagnosis of the alleged problem or problems if financially able to do so. The petition shall also contain a case history of the person supporting the allegations.

NEW SECTION. Sec. 3. The arraigning judge upon consideration of the petition and with the concurrence of the prosecuting attorney may continue the arraignment and refer such person for a diagnostic investigation and evaluation to an approved alcoholism treatment facility as designated in chapter 70.96A RCW, if the petition alleges an alcohol problem, an approved drug treatment center as designated in chapter 71.24 RCW, if the petition alleges a drug problem, or to an approved mental health center, if the petition alleges a mental or emotional problem.

NEW SECTION. Sec. 4. If the person is able to assume the financial costs, the facility or center shall conduct an investigation and examination to determine:

- (1) Whether the person suffers from the problem alleged;
- (2) Whether the problem is such that if not treated there is a probability that similar misconduct will occur in the future;
- (3) Whether extensive and long term treatment is required; and
- (4) Whether effective treatment for the person's problem is available.

NEW SECTION. Sec. 5. The facility or center shall make a written report to the court stating its findings and recommendations after the investigation and examination required by section 4 of this act. If its findings and recommendations support treatment, it shall also recommend a treatment plan setting out:

- (1) The type;
- (2) Nature;
- (3) Length;
- (4) A treatment time schedule; and
- (5) Approximate cost of the treatment.

The report with the treatment plan shall be filed with the court and a copy given to the defendant and defendant's counsel.

NEW SECTION. Sec. 6. If the report recommends treatment, the court shall examine the treatment plan. If it approves the plan and the defendant agrees to comply with its terms and conditions and agrees to pay the cost thereof or arrange for the treatment, an entry shall be made upon the person's court docket showing that the person has been accepted for deferred prosecution. A copy of the treatment plan shall be attached to the docket, which shall then be removed from the regular court dockets and filed in a special court deferred prosecution file. If the charge be one that an abstract is required to be sent to the department of motor vehicles, an abstract of the docket showing the change, the date of defendant's acceptance for deferred prosecution, and the defendant's treatment plan shall be sent to the department of motor vehicles, which shall make an entry of the charge and of the defendant's acceptance for deferred prosecution on the department's driving record of the defendant.

NEW SECTION. Sec. 7. When treatment is either not recommended or not approved by the judge, or the defendant declines to accept the treatment plan, the defendant shall be arraigned on the charge.

NEW SECTION. Sec. 8. Evidence pertaining to or resulting from the petition and /or investigation is inadmissible in any trial on the charges, but shall be available for use after a conviction in determining a sentence.

NEW SECTION. Sec. 9. If a defendant, who has been accepted for deferred prosecution, fails or neglects to carry out and fulfill any term or condition of the defendant's treatment plan, the facility, center, institution, or agency administering the treatment shall immediately report such breach to the court. The court upon receiving such a report shall hold a hearing to determine whether the defendant should be removed from the deferred prosecution program. At the hearing, evidence shall be taken of the defendant's alleged failure to comply with the treatment plan and the defendant shall have the right to present evidence on his or her own behalf. The court shall either order that the defendant continue on the treatment plan or be removed from deferred prosecution. If removed from deferred prosecution, the defendant's docket shall be returned to the regular court files and the defendant shall be arraigned on the original charge.

NEW SECTION. Sec. 10 If a defendant is convicted in any court of an offense similar to the one for which the defendant is in a deferred prosecution program, the court in which the defendant is under deferred prosecution shall upon notice of conviction in another court remove the defendant's docket from the deferred prosecution file and require the defendant to enter a plea to the original charge.

NEW SECTION. Sec. 11. Delay in bringing a case to trial caused by a defendant requesting deferred prosecution as provided for in this chapter shall not be grounds for dismissal.

NEW SECTION. Sec. 12 Two years from the date of the court's approval of deferred prosecution for an individual defendant, those dockets that remain in the special court deferred prosecution file relating to such defendant shall be dismissed and the records removed.

NEW SECTION. Sec. 13. Funds shall be appropriated from the fines and forfeitures of the court to provide for a treatment program to program for any indigent person who is unable to pay the cost of any program of treatment.

NEW SECTION. Sec. 14. Sections 1 through 13 of this act shall constitute a new chapter in Title 10 RCW."

Signed by: Senators Francis, Chairman; Bottiger, Buffington, Clarke, Jones, Marsh.

The bill was read the second time by sections.

On motion of Senator Marsh, the committee amendment was adopted.

On motion of Senator Marsh the rules were suspended, Engrossed Senate Bill No. 2613 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. 2613, and the bill passed the Senate by the following vote: Yeas, 35; nays, 1; excused, 13.

Voting Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Clarke, Cunningham, Day, Goltz, Gould, Grant, Guess, Henry, Jolly, Jones, Keefe, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, Morrison, Newschwander, Odegaard, Peterson, Sandison, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—35. Voting nay: Senator Pullen—1.

Excused: Senator Buffington, Donohue, Fleming, Francis, Herr, Lewis (Harry), Matson, McDermott, Murray, North, Rasmussen, Ridder, Scott—13.

ENGROSSED SENATE BILL NO. 2613, having received the 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 Mardesich, the Senate commenced consideration of gubernatorial appointments.

CONFIRMATIONS OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Odegaard, the appointment of LEE BUFFINGTON as director of the Office of Program Planning and Fiscal Management was confirmed.

APPOINTMENT OF LEE BUFFINGTON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 37; excused, 12.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Clarke, Cunningham, Day, Donohue, Goltz, Gould, Grant, Guess, Henry, Jolly, Jones, Keefe,

Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, Morrison, Newschwander, Odegaard, Peterson, Pullen, Sandison, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—37.

Excused: Senators Buffington, Fleming, Francis, Herr, Lewis (Harry), Matson, McDermott, Murray, North, Rasmussen, Ridder, Scott—12.

MOTION

On motion of Senator Odegaard, the appointment of MARY ELLEN McCAFFREE as director of the Department of Revenue was confirmed.

APPOINTMENT OF MARY ELLEN McCAFFREE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 37; excused, 12.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Clarke, Cunningham, Day, Donohue, Goltz, Gould, Grant, Guess, Henry, Jolly, Jones, Keefe, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, Morrison, Newschwander, Odegaard, Peterson, Pullen, Sandison, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—37.

Excused: Senators Buffington, Fleming, Francis, Herr, Lewis (Harry), Matson, McDermott, Murray, North, Rasmussen, Ridder, Scott—12.

MOTION

On motion of Senator Sandison, the appointment of DR. BRUCE CRASWELL as a member of the Board of Trustees of Community College District Number 3, Olympic Community College was confirmed.

APPOINTMENT OF DR. BRUCE CRASWELL

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 38; excused, 11.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Clarke, Cunningham, Day, Donohue, Goltz, Gould, Grant, Guess, Henry, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Morrison, Newschwander, Odegaard, Peterson, Pullen, Sandison, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—38.

Excused: Senators Buffington, Fleming, Francis, Herr, Matson, McDermott, Murray, North, Rasmussen, Ridder, Scott—11.

MOTION

On motion of Senator Sandison, the appointment of HELEN SUTTON as a member of the Board of Trustees of Community College District Number 6, Seattle Community College was confirmed.

APPOINTMENT OF HELEN SUTTON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Goltz, Gould, Grant, Guess, Henry, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—44.

Excused: Senators Francis, Herr, McDermott, Murray, Rasmussen—5.

MOTION

On motion of Senator Sandison, the appointment of CHARLOTTE CHALKER as a member of the Board of Trustees of Community College District No. 11, Fort Steilacoom Community College, was confirmed.

APPOINTMENT OF CHARLOTTE CHALKER

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 43; absent or not voting, 1; excused, 5.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Goltz, Gould, Grant, Henry, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—43.

Absent or not voting: Senator Guess—1.

Excused: Senators Francis, Herr, McDermott, Murray, Rasmussen—5.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of Senate Bill No. 2855.

SECOND READING

SENATE BILL NO. 2855, by Senators Newschwander, Walgren, Sandison and Peterson:

Excluding certain community college faculty appointments from rights relating to tenure.

MOTIONS

On motion of Senator Sandison, Substitute Senate Bill No. 2855 was substituted for Senate Bill No. 2855 and the substitute bill was placed on second reading and read the second time in full.

Senator Odegaard moved adoption of the following amendment:

On page 2, line 4, following "program" insert "*PROVIDED FURTHER, That a "faculty appointee" holding a faculty appointment pursuant to subsections (1) or (2)(a) who has been subsequently transferred to a position financed from "special funds" pursuant to subsection (2)(b) and who thereafter loses his position upon reduction or elimination of such "special funding" shall be entitled to be returned to his previous status as a faculty appointee pursuant to subsection (1) or (2)(a) depending upon his status prior to the "special funding" transfer*"

POINT OF INQUIRY

Senator Lewis (Harry): "Will Senator Odegaard yield? Senator Odegaard, your amendment does not say it but I assume that it is the intent, and I would ask you if it is the intent that the faculty appointee you are describing is a member of that specific college where the special funded class is being taught? Is that correct? Prior to his accepting that appointment."

Senator Odegaard: "Only at that particular college, yes."

Senator Lewis (Harry): "What I am trying to get to is whether or not you could hire somebody for a special funding purpose to come in and teach at Centralia, for example, who may have taught elsewhere at some previous time and thus establish a position that really we did not want, by your amendment."

Senator Odegaard: "No. it should not do that, Senator Lewis, because the present tenure law, as I understand it, you only have tenure at the particular community college that you are teaching in, and if you move to another community college you start over again through the processes, probationary period and the whole works."

Senator Lewis (Harry): "Thank you."

The motion by Senator Odegaard carried and the amendment was adopted.

On motion of Senator Newschwander, the rules were suspended, Engrossed Substitute Senate Bill No. 2855 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Lewis (Harry): "Will Senator Odegaard yield to another question? Senator Odegaard, what would be the situation in a reduction in force in a community college for one reason or another as with the application of your amendment? Would this amendment in any way change a RIF policy adopted at a community college or would it affect the status of a teacher, increase his seniority status or his position in a RIF procedure if he had moved from regular faculty to a special position in any way?"

Senator Odegaard: "Senator Lewis, I do not think so. The faculty member, of course, with the amendment is assured that he who has tenure would retain a tenured position and not be moved to a special funds position. Unless I do not quite understand your question, I do not think there is a particular problem here in the RIF policy."

POINT OF INQUIRY

Senator Fleming: "Would Senator Sandison yield to a question? Senator Sandison, maybe I do not understand this measure or I am reading it wrong. As I read this measure, you are talking about special funds; you are talking about federal funds. Would you also consider some state funds as these special funds?"

Senator Sandison: "No. In the bill, if you will look on page 1 in lines 26 and 27, the bill speaks of special funds as designated by the State Board for Community College Education for special education projects, generally dealing with the military, but they are ad hoc funds for a special kind of an extracurricular project."

Senator Fleming: "Okay, Senator Sandison, could not funds that were allocated to the community colleges and designated by the community colleges for, say, special training programs for the minority affairs programs and departments in these colleges, could they not be considered as special funds and special programs under this?"

Senator Sandison: "First, let me say the intent of this bill is not to deal with those programs in any way. Again, it is for those special things for military, not for the funds that come to community college or any other institution for minority or similar things. Secondly, the definition that the State Board has for special funds speaks only to these that are in for, used generally, for federal projects wherein federal people who are in the military are educated."

Senator Fleming: "Okay. So there would not be federal funded programs that you bring a person in and he or she is involved in that program and then all of a sudden you are saying to that person that is working side by side with these other people, 'You cannot have tenure but you others can have tenure.' The question I am worried about, you know, I have a problem with tenure in the first place and if this is the intent of this measure, I think that this is the wrong way of maybe doing it. Maybe we should be dealing with the overall situation of tenure, if that is in fact what this bill does."

Senator Sandison: "Yes, I agree with it and without too much speaking to the merit of the bill, it speaks to not raise the question of tenure for people who are brought on for special purposes. And when that federal money runs out, their job runs out and so does their tenure."

Senator Fleming: "So the intent of this bill is merely to deal with those military type programs?"

Senator Sandison: "Correct. Yes."

Senator Odegaard: "Mr. President, I had a question too on what the definition of special funds are. Checking it yesterday with the State Board staff for Community College, the definition they gave me and how they would apply this, they would include all federal fund programs, private foundation funds, special thrusts such as the additional staff for the management information system, the special thrust of the minority affairs program, the special program in the veterans' counselors, and I guess mainly that is about it. Now this bill speaks to teachers, counselors and librarians, so out of those pro-

grams maybe the only one that really would apply, that might possibly be a problem, would be the counseling position through possibly minority affairs or veterans' counselors. This really applies statewide, not just to those community colleges around military installations."

MOTION

On motion of Senator Sandison, Engrossed Substitute Senate Bill No. 2855 was ordered held on the third reading calendar for Friday, April 18, 1975.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of Senate Bill No. 2194.

SECOND READING

SENATE BILL NO. 2194, by Senators von Reichbauer, Washington, Grant and Stortini:

Providing for temporary appointments to fill vacancies in the office of United States senator.

The bill was read the second time by sections.

On motion of Senator Day, the following amendments by Senators Day and von Reichbauer were adopted:

On page 1, line 11, after "election", insert "*occurring during an even-numbered year*"

On page 1, line 17, after "election", insert "*occurring during an even-numbered year*"

On motion of Senator Beck the rules were suspended, Engrossed Senate Bill No. 2194 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 Senate Bill No. 2194, and the bill passed the Senate by the following vote: Yeas, 31; nays, 17; excused, 1.

Voting yea: Senators Bailey, Beck, Bottiger, Buffington, Day, Donohue, Fleming, Francis, Goltz, Grant, Henry, Jolly, Keefe, Knoblauch, Mardesich, Marsh, McDermott, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Woody—31.

Voting nay: Senators Benitz, Bluechel, Clarke, Cunningham, Gould, Guess, Jones, Lewis (Harry), Lewis (R. H. "Bob"), Matson, Morrison, Murray, Newschwander, North, Scott, Sellar, Wanamaker—17.

Excused: Senator Herr—1.

ENGROSSED SENATE BILL NO. 2194, having received the 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 Mardesich, the Senate commenced consideration of Senate Bill No. 2499.

SECOND READING

SENATE BILL NO. 2499, by Senators Gould, Beck and Talley:

Making changes in the laws relating to commercial food fish and shellfish licenses.

The bill was read the second time by sections.

On motion of Senator Gould, the following amendments by Senators Gould and Peterson were adopted:

On page 2, line 2 after "fish" and before "shellfish" strike "and" and insert "or"

On page 2, subsection 5, line 6 after "of" strike the remainder of the subsection and insert:

"byproducts from fish or shellfish including but not limited to fertilizer, oil, meal, caviar, fish bait, and"

Senator Gould moved adoption of the following amendment by Senators Gould and Peterson:

On page 2, subsection 6, line 8 after "in" strike the context down to the colon on line 10 and insert:

"the business of custom canning, which for purposes of this section is canning, for hire, of shellfish or food fish taken by others for their personal use"

POINT OF INQUIRY

Senator Bailey: "Would Senator Gould yield? Maybe I am dense this morning but I have looked this over and I have concurred with two of them. I cannot see what you have done to change it. Is there some hidden meaning in here that I have not seen?"

Senator Gould: "No, not that I know of. If there is, it is not one that I am aware of. The point is that as it is written in the bill, on line 8, you do not want to talk about all canners. We are only talking about custom canning of shellfish and fish."

Senator Bailey: "But in line 10 it says, 'engaged in the business of custom canning.'"

Senator Gould: "This also means the same. It is my understanding that this would define custom canning. Now I am sorry I cannot tell you more than that."

Senator Bailey: "It is no intention to change the meaning of the bill?"

Senator Gould: "No, there is not."

The motion by Senator Gould carried and the amendment to page 2, subsection 6, line 8 was adopted.

Senator Gould moved adoption of the following amendment by Senators Gould and Peterson:

On page 3, line 23 after "a" and before "deposit" insert "property bond or a"

POINT OF INQUIRY

Senator Woody: "Would Senator Gould yield? Or Senator Clarke, either one. I am wondering what you mean by a property bond as opposed to a surety bond and whether you really mean a fidelity bond?"

Senator Gould: "I will have to defer that to another lawyer."

Senator Woody: "Senator Clarke, have you had an opportunity to examine that yet?"

Senator Clarke: "No I have not. Is that amendment in the alternative, that is, property or bond; or is the word 'property' to define the type of bond?"

Senator Gould: "It says, 'property bond or'. It is the type of bond and I would have to . . ."

Senator Woody: "Mr. Chairman, if I could ask Senator Clarke, the language in the bill says, 'in lieu of a surety bond that may be required under subsection one of this section, the applicant may file with the director a'—existing language—'deposit consisting of cash or other security acceptable to the department equal to the amount of a surety bond.' Now the language that is to be inserted by this amendment would say, 'may file with the director a property bond or a deposit.' Now normally my understanding of a property bond would be in the form of a mortgage or similar to a mortgage but in a property bond form, and I am wondering whether fidelity bond is the correct answer."

Senator Peterson: "Senator Woody, perhaps this language is not even necessary. The amendment may not be necessary, because as it reads, even if we did not adopt this amendment, it would still require a deposit consisting of cash or other security acceptable to the department, which I assume could include a property bond, but this was just to insert this language and perhaps make it a little bit easier on the processor."

Senator Clarke: "Mr. President, if the term 'property bond' is a word of art, I am

not aware of it, and for that reason I think it would be ill-advised to adopt that particular wording, at least without some further research."

There being no objection, the amendment to page 3, line 23 by Senators Gould and Peterson was withdrawn.

Senator Marsh moved adoption of the following amendment:

On page 3, following line 26, add a new section to read as follows:

"*NEW SECTION.* Sec. 5. There is added to chapter 75.08 RCW a new section to read as follows:

(1) Every person who shall unlawfully harvest food fish or shellfish from the waters of the state of Washington and who has disposed of such food fish or shellfish prior to apprehension for such unlawful harvest shall be liable to the state in treble the value of the food fish or shellfish so harvested together with all court costs for such recovery, to be recovered in a civil action by the department of fisheries, and shall forfeit to the state all interest in any fishery product produced by said food fish or shellfish.

(2) In a civil action brought pursuant to subsection (1) of this section, proof that food fish or shellfish were taken unlawfully shall constitute a prima facie presumption that the entire catch of which the unlawfully taken fish were a part was unlawfully taken and therefore subject the entire value of such catch to the treble damage provision."

Renumber the succeeding sections.

POINT OF ORDER

Senator Talley: "There is no one on this floor I have greater respect for than Senator Marsh, but I think he has exceeded the scope and object of this bill and I wish you would check into that please."

RULING BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "The President, in ruling on the point of order raised by Senator Talley, the point is well taken. It does enlarge the scope and object of the bill."

The amendment by Senator Marsh was ruled out of order.

On motion of Senator Peterson, the rules were suspended, Engrossed Senate Bill No. 2499 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 Bailey: "Would Senator Peterson yield? Senator Peterson, I am concerned about the custom cannery which is usually a small operation. On page 2, lines 8 through 16, could that be interpreted to mean that when you go to a custom cannery, you have caught your fish, you go to the custom cannery and if you have a twenty pounder of a fish, they usually give you the twenty pounds already canned and then they turn around and can the other and give it to somebody later, rather than make you wait twenty-four hours or whatever it would be; could this be interpreted to mean you have to sit there and wait for your fish to come back from the cannery?"

Senator Peterson: "Senator Bailey, this matter was not intended to be a part of this measure. No, it was not, and there is nothing that would prohibit the custom canner, in this measure, from doing anything he is doing right now. It is really a change in licensing."

Senator Bailey: "I am concerned that the new wording, 'It shall be unlawful to commingle personal use caught fish or shellfish at any time prior to or during the period of canning or processing.'"

Senator Peterson: "We amended that, Senator Bailey, that language was taken out."

Senator Bailey: "No, it was not. Up above on line 10 was taken out but not down in line 16. The second question: Senator Peterson, is, Senator Gould has said this consolidates a number of licenses, but the way I read it, the custom canning license is thirty-seven dollars and fifty cents a year; now it is two hundred dollars a year. How much is a commingling here? Is this a strict increase or is it a total of the licenses they now take ."

Senator Peterson: "Generally speaking, Senator Bailey, it amounts to just about what they are now paying in their additional licenses. It might in some cases be a slight increase. However, there was no objection from the processors on this bill in committee. It really simplifies their licensing procedure."

Senator Bailey: "Number three, Senator Peterson, is this bringing any new revenue into the Department of Fisheries?"

Senator Peterson: "It does have a fiscal impact, Senator Bailey, in the amount of approximately thirty-three thousand dollars a year, which is not a very drastic change statewide."

MOTION

On motion of Senator Bailey, Engrossed Senate Bill No. 2499 was ordered held on the third reading calendar for Friday, April 18, 1975.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of Senate Bill No. 2253.

SECOND READING

SENATE BILL NO. 2253, by Senator Day (by Department of Social and Health Services request):

Specifying the number and qualifications of the state board of examiners for nursing home administrators.

REPORT OF STANDING COMMITTEE

March 19, 1975.

SENATE BILL NO. 2253, specifying the number and qualifications of the state board of examiners for nursing home administrators (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 18, after "board" strike "[s nine]" and insert "'s [nine] *professional*".

On page 2, line 1, after "ill" and before the period insert ": *PROVIDED, That one member shall be a citizen eligible for Medicare who shall have no financial interest in or family ownership connection with nursing homes*"

On page 2, add a new section following section 1 to read as follows:

"Sec. 2. Section 12, chapter 57, Laws of 1970 ex. sess. and RCW 18.52.120 are each amended to read as follows:

The director, after notice and hearing before the board and upon the order of the board shall refuse to reregister or shall suspend or revoke an administrator's license as provided in this chapter:

(1) In the event the licensee or applicant has committed any fraud or material misrepresentation or concealment in obtaining or applying for the license.

(2) In the event the licensee or applicant has been convicted of a crime involving moral turpitude.

(3) If the license was obtained due to the mistake or inadvertence of the board or director.

(4) In the event the licensee has wilfully or repeatedly violated any of the provisions of this chapter or of the rules promulgated by the board in accordance with this chapter, or of the rules promulgated by the department of social and health services, regarding entrusted funds of nursing home patients.

(5) In the event the licensee has been declared mentally incompetent by a court of competent jurisdiction.

Persons whose licenses have been revoked, or to whom reregistration has been refused, may, on subsequent application be licensed, relicensed, or reregistered, according

to such rules or regulations as may be prescribed by the board and according to standards prescribed by the board. Suspended licenses are automatically in force at the expiration of thirty days from the date of suspension, but must be reregistered in the normal course if they expire during the period of suspension."

Renumber the remaining section consecutively.

In line 2 of the title, after "RCW 18.52.040;" insert "and amending section 12, chapter 57, Laws of 1970 ex. sess. and RCW 18.52.120;"

Signed by: Senators Day, Chairman; Buffington, Cunningham, Francis, Goltz, Gould, McDermott, North, Pullen, Ridder, Van Hollebeke.

The bill was read the second time by sections.

On motion of Senator Day, the committee amendments to page 1, line 18 and to page 2, line 1 was adopted.

Senator Day moved adoption of the committee amendment to page 2 adding a new section.

Senator McDermott moved adoption of the following amendment to the committee amendment:

On line 20, subsection (4) of the senate committee amendment to page 2 which adds a new section, after "services" strike "regarding entrusted funds of nursing home patients"

Debate ensued.

The motion by Senator McDermott carried and the amendment to the committee amendment was adopted.

Senator Day moved adoption of the following amendment to the committee amendment:

Amend the committee amendment by inserting the following after the McDermott amendment to the committee amendment:

"*PROVIDED, That the license suspension shall only occur when instituted by board action and shall be subject to court review pursuant to RCW 34.04*".

Debate ensued.

The motion by Senator Day carried and the amendment to the committee amendment was adopted.

The motion by Senator Day carried and the committee amendment to page 2 adding a new section was adopted as amended.

Senator McDermott moved adoption of the following amendment:

On page 1, line 9, strike "All" and insert "A majority of the"

Debate ensued.

POINT OF INQUIRY

Senator Mardesich: "Will Senator Day yield? I gather what he is doing would allow the addition of public members. Is that the effect of this, at the discretion of the Governor?"

Senator Day: "That is right."

Senator Mardesich: "I have often felt that, with respect to the medical profession, there should be some of the public members sitting in a position of review of doctors and I wonder how you distinguish. If that bill were to come out, I would be more than happy to vote for adding public members to that board. What is the logic that . . ."

Senator Day: "Well, of course, the logic is that what this board is principally supposed to do is to examine people to see that they are qualified to be certified as a nursing home administrator. That is what we are talking about, not nursing home owners but nursing home administrators, the thing is that I think the same thing is true in your professional acts. I know that with the frustration of the additional medical costs, for example, that there has been a great hue and cry to do something about it and they feel that one of the ways that that should be done is by putting lay members on an examining board. Well, the thing is that this is not a disciplinary board, it is an examining board, and I think we have got someone on there now who is Medicare age, and I think that that will give them a listening post to see if they are improperly examining or certifying nursing home administrators, and that is what this bill is about and we do have a bill, I

understand, on the green sheet in Rules now which has to do with the other parts of the punitive legislation.”

The motion by Senator McDermott failed and the amendment was not adopted on a rising vote.

On motion of Senator Day, the following amendment was adopted:

On page 2, beginning on line 8, strike new section 2, and insert:

“*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 Day, the committee amendment to the title was adopted.

On motion of Senator Day, the following amendment by Senator Day to the title was adopted:

On page 1, beginning on line 2 of the title, strike “and providing an effective date” and insert “and declaring an emergency”.

MOTIONS

On motion of Senator Lewis (R. H. “Bob”), Senator Bluechel was excused.

On motion of Senator Day the rules were suspended, Engrossed Senate Bill No. 2253 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. 2253, and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 1; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Francis, Goltz, Gould, Grant, Guess, Henry, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. “Bob”), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—46.

Absent or not voting: Senator Fleming—1.

Excused: Senators Bluechel, Herr—2.

ENGROSSED SENATE BILL NO. 2253, having received the 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 Mardesich, the Senate returned to the first order of business.

REPORTS OF STANDING COMMITTEES

April 17, 1975.

SENATE BILL NO. 2100, providing for licensing and regulating medical laboratories, (reported by Committee on Rules which recommends that Senate Bill No. 2100 be referred to the Committee on Ways and Means):

Signed by: Lieutenant Governor Cherberg, Chairman; Senators Bailey, Bottiger, Clarke, Guess, Henry, Keefe, Lewis (Harry), Marsh, Matson, Newschwander, Talley.

Referred to Committee on Ways and Means.

April 16, 1975.

SENATE BILL NO. 2376, prescribing rights of private property owners (reported by Committee on State Government):

MAJORITY recommendation: That Substitute Senate Bill No. 2376 be substituted therefor and the substitute bill do pass.

Signed by: Senators Rasmussen, Chairman; Buffington, Henry, Knoblauch, Wanamaker.

Passed to Committee on Rules for second reading.

April 16, 1975.

SENATE BILL NO. 2388, imposing treble damages for certain trespasses on state lands (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Francis, Chairman; Buffington, Clarke, Jones, Marsh, Scott.

Passed to Committee on Rules for second reading.

April 16, 1975.

SENATE BILL NO. 2481, permitting donation of property subject to condemnation by the state (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Rasmussen, Chairman; Buffington, Henry, Knoblauch, Wanamaker.

Passed to Committee on Rules for second reading.

April 17, 1975.

SENATE BILL NO. 2492, providing for community mental health service areas, (reported by Committee on Rules which recommends that Senate Bill No. 2492 be referred to the Committee on Ways and Means):

Signed by: Lieutenant Governor Cherberg, Chairman; Senators Bailey, Bottiger, Clarke, Guess, Henry, Lewis (Harry), Marsh, Matson, Newschwander, Talley.

Referred to Committee on Ways and Means.

April 16, 1975.

SENATE BILL NO. 2634, authorizing allowances for legislative members-elect (reported by Committee on State Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Rasmussen, Chairman; Buffington, Day, Henry, Knoblauch, Wanamaker.

Passed to Committee on Rules for second reading.

April 16, 1975.

SENATE BILL NO. 2671, enacting the Washington Small Business Purchasing Act (reported by Committee on State Government):

MAJORITY recommendation: That Substitute Senate Bill No. 2671 be substituted therefor and the substitute bill do pass and be referred to the Committee on Ways and Means.

Signed by: Senators Rasmussen, Chairman; Buffington, Day, Henry, Knoblauch, Wanamaker.

Referred to Committee on Ways and Means.

April 15, 1975.

SENATE BILL NO. 2737, authorizing an alternative method for the ownership, operation, and financing of public systems of sewerage and water (reported by Committee on Local Government):

MAJORITY recommendation: That Substitute Senate Bill No. 2737 be substituted therefor and the substitute bill do pass.

Signed by: Senators Fleming, Chairman; Jolly, Talley, Walgren, Wilson.

Passed to Committee on Rules for second reading.

April 15, 1975.

SENATE BILL NO. 2937, relating to transportation taxation (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: That Substitute Senate Bill No. 2937 be substituted therefor and the substitute bill do pass.

Signed by: Senators Walgren, Chairman; Henry, Vice Chairman; Beck, Guess, Jolly, Knoblauch, Peterson, Talley, Wanamaker.

Passed to Committee on Rules for second reading.

April 16, 1975.

SENATE BILL NO. 2956, relating to the state building code (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Fleming, Chairman; Jolly, North, Talley, Wilson.

Passed to Committee on Rules for second reading.

April 16, 1975.

SENATE BILL NO. 2960, making changes in the laws relating to emergency services (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Rasmussen, Chairman; Buffington, Henry, Knoblauch, Wanamaker.

Passed to Committee on Rules for second reading.

April 15, 1975.

ENGROSSED HOUSE BILL NO. 144, requiring revocation of driver's license and privileges upon conviction for failure to render aid (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Francis, Chairman; Buffington, Clarke, Jones, Marsh, Scott.

Passed to Committee on Rules for second reading.

April 16, 1975.

ENGROSSED HOUSE BILL NO. 172, standardizing the marking of public vehicles (reported by Committee on State Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Rasmussen, Chairman; Buffington, Day, Henry, Knoblauch, Wanamaker.

Passed to Committee on Rules for second reading.

April 16, 1975.

ENGROSSED HOUSE BILL NO. 344, prescribing changes in industrial insurance procedures (reported by Committee on Labor):

MAJORITY recommendation: Do pass.

Signed by: Senators Ridder, Chairman; Bailey, Grant, Morrison, Sellar, von Reichbauer.

Passed to Committee on Rules for second reading.

April 16, 1975.

HOUSE BILL NO. 480, creating the department of labor and industries revolving fund (reported by Committee on Labor):

Recommendation: Do pass as amended.

Signed by: Senators Ridder, Chairman; Bailey, Grant, Matson, Morrison, Sellar, von Reichbauer.

Passed to Committee on Rules for second reading.

MOTION

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

MOTION FOR RECONSIDERATION

Having voted on the prevailing side and having served prior notice, Senator Washington moved that the Senate reconsider the vote by which Reengrossed Substitute Senate Bill No. 2424 failed to pass the Senate on Monday, April 14, 1975.

POINT OF INQUIRY

Senator Rasmussen: "Would Senator Washington yield? Senator Washington, I have, I presume it is your latest copy, Section 13 states, 'to assure the maximum benefit and meet the objective for which the provisions of sections 1 through 12 of this act were designed, the rule of strict construction shall have no application to sections 1 through 11 of this act, and the provisions of section 1 through 12 of this act shall be liberally construed to give sections 1 through 12 of this act their broadest meaning.' Somewhere in there you lost me completely when you say the rule of strict construction will have no application which means, actually, you pay no attention to the words that are on the printed sheet, and then you go on to expand it and say that whatever is on the sheet shall be very liberally construed. That Section 13 kind of bothers me."

Senator Washington: "Is that Section 12? It is Section 12 on the one that I have. I would have no objection really, I have the feeling that liberal construction or strict construction, if the judge wants to go one way he will go; if he does not, he does not have to. I would have really no objection to striking on the orange sheet, Section 12; on the sheet that you had, apparently Section 13. If you wish to take just a minute to prepare such an amendment, I do not think we need to delay action on that. I would have no objection to that."

The motion for reconsideration by Senator Washington carried.

MOTIONS

On motion of Senator Washington, the rules were suspended and Reengrossed Substitute Senate Bill No. 2424 was returned to second reading.

On motion of Senator Washington, Reengrossed Substitute Senate Bill No. 2424 on second reading was made a special order of business immediately following the noon recess.

PARLIAMENTARY INQUIRY

Senator Bailey: "Senator Bottiger is deeply involved in this reconsideration in this bill. I was wondering, would it be proper to have this motion considered right after noon recess? I do not want to lose the opportunity. I would move that the Senate make this an order of business after the noon recess. I do not want to lose the opportunity for reconsideration."

Senator Day: "Was he in order?"

REPLY BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "Was he in order? As far as I am concerned."

Senator Day: "I was just going to make the motion in case he was not."

President Pro Tempore Henry: "If there be no objection, the motion will be made immediately after noon recess."

MOTION FOR RECONSIDERATION

Having voted on the prevailing side and having served prior notice, Senator Day moved that the Senate do now reconsider the vote by which Engrossed Senate Bill No. 2611 passed the Senate.

The motion for reconsideration by Senator Day failed.

MOTION

On motion of Senator Bailey, consideration of the motion for reconsideration of Engrossed Senate Bill No. 2197 was made a special order of business following the noon recess.

MOTIONS

On motion of Senator Bailey, all members were added as additional sponsors to Senate Resolution 1975-32.

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

SENATE RESOLUTION 1975-32

By Senators Sandison, Donohue, Odegaard, Goltz, Guess, Scott, Benitz, Bailey, Beck, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Fleming, Francis, Gould, Grant, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Peterson, Pullen, Rasmussen, Ridder, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson and Woody:

WHEREAS, Maryan E. Reynolds has devoted a major portion of her professional library career in serving the citizens of the state of Washington, having begun service in 1947, and having served as State Librarian since 1952, and being a member of the Governor's Cabinet; and

WHEREAS, Maryan E. Reynolds includes in her professional affiliations such organizations as the American Library Association, Pacific Northwest Library Association, Washington Library Association, Special Libraries Association, Advisory Committee on Retrospective Conversion (Library of Congress), Depository Library Council of the Public Printer, Chief Officers of State Library Agencies, Washington State Committee on Health Relation Information Services, Library Automation Committee on Data Processing Authority, State Board for Certification of Librarians, Washington Higher Education Library Committee; and, having served as President, American Association of State Librarians, Division of American Library Association; President, Pacific Northwest Library Association; and

WHEREAS, Maryan E. Reynolds actively participates in and serves organizations such as the American Association of University Women, Governor's Commission of the Status of Women, Soroptomists, Citizens' Committee on Washington Courts, Washington Commission for the Humanities, League of Women Voters, American Society of Public Administration; and

WHEREAS, Maryan E. Reynolds as a citizen, professional leader, and woman exemplifies the possibilities and the potential roles women may play in today's society and in the future; and

WHEREAS, Maryan E. Reynolds has given unstintingly of her professional skills and has had broad involvement in the whole spectrum of librarianship at a time when leadership, long range planning and vision were of such importance; and

WHEREAS, Maryan E. Reynolds has given selflessly of her personal time and effort to all who have requested it;

NOW, THEREFORE, BE IT RESOLVED, That Maryan E. Reynolds is commended as a distinguished citizen and is congratulated on her forthcoming retirement.

BE IT FURTHER RESOLVED, That a copy of this resolution be transmitted by the Secretary of the Senate to Maryan E. Reynolds.

MOTION

Senator Walgren moved adoption of the following resolution:

SENATE RESOLUTION 1975-33

By Senators Walgren, Henry, Beck, Benitz, Bluechel, Bottiger, Guess, Jolly, Keefe, Knoblauch, Lewis (R. H. "Bob"), Morrison, Peterson, Sellar, Stortini, Talley and Wanamaker:

WHEREAS, Herbert W. Humphres will soon retire from state employment after 27 years of dedicated service; and

WHEREAS, Outstanding professional ability and job performance advanced Herb to his present position of Assistant Director of Highways for construction and materials and administrator of the materials testing laboratory; and

WHEREAS, Herb received his basic education in the Spokane and Colville regions of eastern Washington; and

WHEREAS, He is a professional engineer with a bachelor's degree in Chemical Engineering from Washington State University and a Master of Science degree in Civil Engineering from Harvard University; and

WHEREAS, Belief in the traditions of his country is reflected by his honorable military service in the armed forces of the United States; and

WHEREAS, Herb has had professional accomplishments and activities which are too numerous to chronicle here, except to recite that his record has always reflected itself favorably on both Herb as an individual and on the state of Washington as Herb's employer; and

WHEREAS, Research projects, papers, and participation in conferences and meetings have earned Herb an outstanding national reputation in his field;

NOW, THEREFORE, BE IT RESOLVED, By the Senate, That it does commend Herbert W. Humphres for his tireless efforts and dedicated service on behalf of this state and extends its most sincere good wishes to Herb and his wife, Patsy during the forthcoming years.

BE IT FURTHER RESOLVED, That the Secretary of the Senate transmit a suitably inscribed copy of this resolution to Mr. Herbert W. Humphres and his wife, Patsy.

POINT OF INQUIRY

Senator Goltz: "I wonder if Senator Guess would yield to a question? I notice, Senator Guess, that we have within this resolution a definition that we have been looking for in this legislature for a long time. It is the definition of basic education. In the third paragraph it says that he received his basic education in Spokane and Colville. I suppose that we can now, by adopting this, we will have our basic definition. I wonder if you could tell us what that is?"

Senator Guess: "In the first place, he learned to read; in the second place, he learned to write; in the third place, he got a real sharp pencil, and he never had a fear of work and he spent numerous hours overtime in working and doing a job and if he did not finish during the eight hours, he was not adverse to coming back and burning the midnight oil."

The motion by Senator Walgren carried and the resolution was adopted.

MOTION

On motion of Senator Mardesich, the Senate returned to the fourth order of business.

MESSAGES FROM THE HOUSE

April 17, 1975.

Mr. President: The House has concurred in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 208 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

April 17, 1975.

Mr. President: The House has adopted SENATE CONCURRENT RESOLUTION NO. 111, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

April 17, 1975.

Mr. President: The House has concurred in the Senate amendments to EN-GROSSED SUBSTITUTE HOUSE BILL NO. 87 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

MOTION

At 11:40 a.m. on motion of Senator Bailey, the Senate recessed until 1:50 p.m.

AFTERNOON SESSION

President Pro Tempore Henry called the Senate to order at 1:50 p.m.

MESSAGE FROM THE HOUSE

April 17, 1975.

Mr. President: The House has adopted the report of the Free Conference Committee on SENATE BILL NO. 2079 and has passed the bill as amended by the Free Conference Committee, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

REPORT OF FREE CONFERENCE COMMITTEE

April 4, 1975.

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, to whom was referred SENATE BILL NO. 2079, facilitating the refund of erroneously paid camper and trailer tax, have had the same under consideration, and we recommend that the bill be passed as recommended by the Conference Committee as follows:

On page 2, after section 2, add a new section as follows:

"NEW SECTION. Sec. 3. If any excise tax due hereunder is not paid when due and payable, the unpaid tax shall bear interest at the rate of six percent per annum from the time such tax is due and payable: PROVIDED, That the interest charge on the unpaid excise tax shall be waived when such interest is less than five dollars: AND PROVIDED FURTHER, The director may waive the interest on the unpaid excise tax when the interest exceeds five dollars and the Department of Motor Vehicles determines that the cost of processing the collection of the interest exceeds the amount of interest due.

The tax hereunder shall be a specific lien on the travel trailer or camper from and after the date it first becomes due hereunder, and shall include all charges authorized by this chapter, which lien shall have priority to and be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation or responsibility to or with which the travel trailer or camper may become charged or liable, after July 1, 1975, and no sale or transfer of any travel trailer or camper shall in any way affect the lien for such excise tax upon the travel trailer or camper."

On line 3 of the title after "RCW 82.50.170;" strike "and"

On line 4 of the title after "RCW 82.50.440" and before the period, insert "and amending section 62, chapter 299, Laws of 1971 ex. sess. and RCW 82.50.470"

Signed by: Senators Beck, Henry and Guess; Representatives Hansen, Conner and Blair.

MOTION

On motion of Senator Bailey, the report of the Free Conference Committee on Senate Bill No. 2079 was adopted.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2079, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry,

Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—48.

Excused: Senator Herr—1.

SENATE BILL NO. 2079, as amended by the Free Conference Committee, having received the 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

Having voted on the prevailing side and having served prior notice, the time having arrived, the Senate commenced consideration on the motion by Senator Bailey to reconsider the vote by which Engrossed Senate Bill No. 2197 failed to pass the Senate.

PARLIAMENTARY INQUIRY

Senator Bluechel: "Mr. President, we passed the eighth order of business in which this bill for reconsideration was up at the time the boating bill was not reconsidered. Under our rules, is it permissible to reconsider at this time?"

REMARKS BY SENATOR BAILEY

Senator Bailey: "Mr. President, I think the record will show I asked that very question prior to lunch in the Senate and I was assured by the presiding officer this would be proper after lunch."

REPLY BY THE PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "That is correct."

Debate ensued.

President Pro Tempore Henry declared the question before the Senate to be the motion by Senator Bailey that the Senate reconsider the vote by which Engrossed Senate Bill No. 2197 failed to pass the Senate.

The motion for reconsideration failed on a rising vote.

PERMISSION GRANTED FOR USE OF SENATE CHAMBER

On motion of Senator Bailey, permission was granted to Senator Stortini and the Committee on Education for use of the Senate Chamber this afternoon for a hearing.

PERSONAL PRIVILEGE

Senator Bluechel: "Today I met with some three thousand or so students and parents of the Lake Washington School District which were out in front of the capitol at lunch and they gave me a cake, plus a hard boiled egg; and they wrote a little letter with it and I thought that I would like to share this with the legislators. It says — and this is the cake — it says:

'Dear Legislators: Enclosed is fifty cents to cover postage on sending this cake pan back empty to the Juanita High School Home Ec Department, 10601 NE 132nd, Kirkland, Washington. Here are the alternatives. Send it back, cake and all. You would have to pay more for postage, probably with our taxes which would be better spent on our schools. Two, not send back the pan. Then the taxpayers would have to buy us a new one. Three, eat it without helping us, "how unethical". Four, throw away the cake and send the pan back empty. Think of the starving Asians. Five, send it to some starving Asians. We still would not get our pan back. Six, help fund our schools, then eat up and enjoy with a clear conscience. It is homemade triple chocolate fudge, loaded with walnuts. Yum, yum. Juanita High School.'

"I would like to share this cake with all of you and I particularly would like to eat a large piece with Senator Mardesich."

MOTION

At 2:17 p.m., on motion of Senator Mardesich, the Senate adjourned until 9:45 a.m., Friday, April 18, 1975.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

THIRTY-SIXTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, April 18, 1975.

The Senate was called to order at 9:45 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 Debra Borley and Daniel Duffy, presented the Colors. Reverend George M. Mitchell, pastor of the First Christian Church of Olympia, offered the following prayer:

"OUR GOD AND FATHER, WE COME TO YOU IN PRAYER AT THIS TIME, NOT AS A MERE GESTURE TO CUSTOM OR CONVENTION, BUT TO RECOGNIZE ONCE AGAIN THAT THIS WORLD IS YOURS, AND THAT WE WHO LIVE HERE BELONG TO YOU, AND THAT THE WAY WE LIVE WITH ONE ANOTHER IS OF CONCERN TO YOU AS WELL AS TO US. AND SO MAY WE NOT BE FRIGHTENED OR DISCOURAGED BY THE PROBLEMS THAT CONFRONT US, BUT RATHER GIVE THANKS TO YOU THAT YOU HAVE MATCHED US WITH THIS HOUR. HELP US WHEN WE WANT TO DO THE RIGHT THING BUT DO NOT KNOW WHAT IT IS. BUT HELP US MORE WHEN WE KNOW PERFECTLY WELL WHAT WE OUGHT TO DO, BUT DO NOT WANT TO DO IT. AMEN."

MOTION

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

REPORTS OF STANDING COMMITTEES

April 17, 1975.

SENATE BILL NO. 2146, establishing procedures for granting increases in firemen and police pension benefits (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Wilson.

Second Vice Chairman; Bailey, Clarke, Jones, Marsh, Murray, Rasmussen, Sandison, Scott, Woody.

Passed to Committee on Rules for second reading.

April 16, 1975.

SENATE BILL NO. 2280, pertaining to financing municipal transportation systems (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: That Substitute Senate Bill No. 2280 be substituted therefor and the substitute bill do pass.

Signed by: Senators Walgren, Chairman; Henry, Vice Chairman; Beck, Benitz, Bottiger, Jolly, Knoblauch, Morrison, Peterson, Sellar, Wanamaker.

Passed to Committee on Rules for second reading.

April 16, 1975.

SENATE BILL NO. 2526, relating to ecology (reported by Committee on Ecology):

MAJORITY recommendation: That Substitute Senate Bill No. 2526 be substituted therefor and the substitute bill do pass.

Signed by: Senators Washington, Chairman; Goltz, Guess, Murray, North.

Passed to Committee on Rules for second reading.

April 16, 1975.

SENATE BILL NO. 2535, relating to transportation (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: That Substitute Senate Bill No. 2535 be substituted therefor and the substitute bill do pass.

Signed by: Senators Walgren, Chairman; Henry, Vice Chairman; Beck, Benitz, Bottiger, Guess, Jolly, Keefe, Knoblauch, Lewis (R. H. "Bob"), Morrison, Peterson, Sellar, Stortini, Talley, Wanamaker.

Passed to Committee on Rules for second reading.

April 17, 1975.

SENATE BILL NO. 2735, revising laws relating to care of mentally or physically deficient persons (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; Buffington, Cunningham, Francis, Goltz, Gould, Ridder, Van Hollebeke.

Passed to Committee on Rules for second reading.

April 16, 1975.

SENATE BILL NO. 2916, relating to state government (reported by Committee on State Government):

MAJORITY recommendation: That Substitute Senate Bill No. 2916 be substituted therefor and the substitute bill do pass.

Signed by: Senators Rasmussen, Chairman; Buffington, Henry, Knoblauch, Wanamaker.

Passed to Committee on Rules for second reading.

April 16, 1975.

SUBSTITUTE HOUSE BILL NO. 177, making changes in laws relating to all-terrain vehicles (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass.

Signed by: Senators Walgren, Chairman; Henry, Vice Chairman; Beck, Benitz, Bluechel, Bottiger, Guess, Jolly, Knoblauch, Lewis (R. H. "Bob"), Morrison, Peterson, Sellar, Wanamaker.

Passed to Committee on Rules for second reading.

April 17, 1975.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 198, amending the insurance code (reported by Committee on Financial Institutions):
 MAJORITY recommendation: Do pass as amended.
 Signed by: Senators Woody, Chairman; Clarke, Jones, Walgren.
 Passed to Committee on Rules for second reading.

April 17, 1975.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 308, prescribing educational and professional requirements for the profession of optometry (reported by Committee on Social and Health Services):
 MAJORITY recommendation: Do pass as amended.
 Signed by: Senators Day, Chairman; von Reichbauer, Vice Chairman; Goltz, Gould, Pullen, Ridder, Van Hollebeke.
 Passed to Committee on Rules for second reading.

MESSAGE FROM THE HOUSE

April 18, 1975.

Mr. President: The House has adopted HOUSE CONCURRENT RESOLUTION NO. 28, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

INTRODUCTION AND FIRST READING

HOUSE CONCURRENT RESOLUTION NO. 28, by Representative Charette:
 Joint Session to receive a message from the Governor.

MOTIONS

On motion of Senator Sandison, the rules were suspended and House Concurrent Resolution No. 28 was advanced to second reading and read the second time in full.

On motion of Senator Sandison, the rules were suspended and House Concurrent Resolution No. 28 was advanced to third reading, the second reading considered the third, and the resolution was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Would Senator Sandison yield to a question? Senator Sandison, were you on the steering committee that is steering the Governor in this project?"

Senator Sandison: "No, Senator, I am not. I do not think there is such a committee."

Senator Rasmussen: "You are just concurring with the Governor? My question is this, why is it that he is making this very ill-timed move? All of the school teachers, I understand, are going to be here Tuesday to get his message, and why doesn't he have that joint session on the day when they are here to get the message?"

Senator Sandison: "Senator, I do not know how the Governor's mind works or what the disposition of this matter has been downstairs. This is just a request for a joint session."

Senator Rasmussen: "Thank you, Senator. I should probably ask Senator Lewis if he knows how the Governor's mind works."

POINT OF INQUIRY

Senator Rasmussen: "Will Senator Lewis yield? Senator Lewis, you heard my question? My question was this: I understand there is a large group of school teachers coming down here Tuesday to get the message. Why doesn't the Governor have the joint session requested on Tuesday rather than Monday when nobody will be here?"

Senator Lewis (Harry): "Senator Rasmussen, it is my understanding the Speaker of the House, who controls that shop over there, wanted them in on Wednesday and not

before. I do not think it has anything to do with the school teachers coming down. The Governor is the Governor, and he wanted to speak to him. You might find if you could sit down with an open mind and listen to him, perhaps we would understand what his position would be."

Senator Rasmussen: "I had a second question. That was, can he spare the time between going back to visit with Rockefeller in Washington, D.C. to take time to address us?"

Senator Lewis (Harry): "Senator Rasmussen, I think the Governor's efforts have been towards various pieces of legislation that have been before this body and others, for example, including the Women's Council which he is vitally concerned about. Perhaps you might concern yourself with the same issue."

Senator Rasmussen: "Why do you think I am getting gray hair?"

MOTION

Senator Rasmussen moved that the rules be suspended and House Concurrent Resolution No. 28 be returned to second reading.

Debate ensued.

The motion by Senator Rasmussen failed.

The President declared the question before the Senate to be adoption of House Concurrent Resolution No. 28.

House Concurrent Resolution No. 28 was adopted.

MOTION

On motion of Senator Sandison, Engrossed Substitute Senate Bill No. 2855 was ordered to hold its place on the third reading calendar for the next working day.

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 2079,

SENATE CONCURRENT RESOLUTION NO. 111.

MOTION

On motion of Senator Bailey, the Senate commenced consideration of the gubernatorial appointment of Dr. George Koss.

CONFIRMATIONS OF GUBERNATORIAL APPOINTMENTS

MOTION

On motion of Senator Newschwander, the appointment of DR. GEORGE KOSS as a member of the Washington State Aeronautics Commission was confirmed.

APPOINTMENT OF DR. GEORGE KOSS

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 49. Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—49.

MOTION

On motion of Senator Newschwander, the appointment of HAL H. HOWELL as a member of the Washington State Aeronautics Commission was confirmed.

APPOINTMENT OF HAL H. HOWELL

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 46; absent or not voting, 3.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Wilson, Woody—46.

Absent or not voting: Senators Donohue, North, Walgren—3.

MOTION

At 10:08 a.m., on motion of Senator Bailey, the Senate recessed until 12:35 p.m.

AFTERNOON SESSION

The President called the Senate to order at 12:35 p.m.

MOTION

At 12:37 p.m., on motion of Senator Mardesich, the Senate recessed until 1:45 p.m.

SECOND AFTERNOON SESSION

The President called the Senate to order at 1:45 p.m.

MOTION

On motion of Senator Lewis (R. H. "Bob"), Senator Matson was excused.

MOTION

On motion of Senator Walgren, the Senate commenced consideration of Engrossed Senate Bill No. 2499 on third reading.

THIRD READING

ENGROSSED SENATE BILL NO. 2499, by Senators Gould, Beck and Talley: Making changes in the laws relating to commercial food fish and shellfish licenses. Debate ensued.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 2499.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2499, and the bill passed the Senate by the following vote: Yeas, 38; nays, 6; absent or not voting, 4; excused, 1.

Voting yea: Senators Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Fleming, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Marsh, McDermott, Morrison, Murray, Newschwander, North, Peterson, Pullen, Ridder, Scott, Sellar, Stortini, Talley, Van Hollebeke, Wanamaker, Wilson, Woody—38.

Voting nay: Senators Bailey, Odegaard, Rasmussen, Sandison, von Reichbauer, Walgren—6.

Absent or not voting: Senators Donohue, Francis, Mardesich, Washington—4.

Excused: Senator Matson—1.

ENGROSSED SENATE BILL NO. 2499, having received the 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 Walgren, the Senate returned to the sixth order of business.

MOTION

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 2673.

SECOND READING

SENATE BILL NO. 2673, by Senators Odegaard and Lewis (Harry):
Modifying the timber reserve fund distribution for 1975 and setting the time for calculation of harvest factors.

MOTIONS

On motion of Senator Odegaard, Substitute Senate Bill No. 2673 was substituted for Senate Bill No. 2673, and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Odegaard, the rules were suspended, Substitute Senate Bill No. 2673 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Fleming: "Would Senator Odegaard yield to a question? To make things perfectly clear in my mind, there is no effect on the rate that we passed of taxes, as far as taxes last time, no reduction or no increase?"

Senator Odegaard: "That is right. No effect. It still stays at six and one-half percent and there is still in the bill, too, the surcharge in case the minimum is reduced below the level it is supposed to be at, five tenths, and that would only kick in if it had to, but there is no change in the rate."

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2673, and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 2; excused, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Marsh, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—46.

Absent or not voting: Senators Donohue, Mardesich—2.

Excused: Senator Matson—1.

SUBSTITUTE SENATE BILL NO. 2673, having received the 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. 2007, by Senators Henry, Beck, Stortini, Cunningham, Benitz and Guess:

Establishing the death penalty for first degree murder.

MOTIONS

On motion of Senator Francis, Substitute Senate Bill No. 2007 was substituted for Senate Bill No. 2007, 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, Benitz, Rasmussen, Newschwander, Beck and Stortini was adopted:

On page 1, line 29, after subsection (f), insert the following: "(g) There was more than one victim and the said murders were part of a common scheme or plan, or the result of a single act of the defendant."

Senator Grant moved adoption of the following amendment:

On page 1, line 30 after "death" and before the period insert "unless a majority of the members of the jury find that there is no substantial likelihood that the defendant will kill again if he is not executed".

Senator Talley moved the amendment by Senator Grant be laid upon the table.

The motion by Senator Talley failed on a rising vote.

Debate ensued.

The motion by Senator Grant failed and the amendment was not adopted.

Senator Guess moved adoption of the following amendment:

On page 1, line 29, after subsection (f) add the following: "(g) The victim was a person who appeared or was to appear in a criminal action as a witness against the defendant."

POINT OF INQUIRY

Senator Walgren: "Would Senator Guess yield, please? Senator Guess, is it your intention that the word 'victim' means police officer here?"

Senator Guess: "Yes, sir."

Senator Walgren: "Rather than an ordinary non-law enforcement person who would testify?"

Senator Guess: "That is right, Senator, but I am a little bit anxious about using the word 'police officer' because I think that it points it out and it makes it fairly discriminatory."

Senator Walgren: "It would seem to me the way it is written here that this would apply to any person who was to testify against another person. My second question, though, Senator Guess, is that your language here is 'appear in a criminal action as a witness against the defendant.' Would you carry that down to what, a traffic offense for a person who testified against him?"

Senator Guess: "That is not a criminal offense, Senator."

Senator Walgren: "All right. A third degree assault case?"

Senator Guess: "I would place my hands at your mercy and if you have an oral amendment, I am sure that the body would be willing to accept it. Not being an attorney and having very little time to draft the amendment"

Senator Walgren: "I do not mean to be particularly critical except for the fact I think that this language as it is now prepared is perhaps a little broad."

Senator Guess: "I would be willing to accept an amendment and would offer an oral amendment, Mr. President. If we would change the word 'person', the victim was a former police officer."

Debate ensued.

POINT OF INQUIRY

Senator Bottiger: "Would Senator Guess yield to a question? Senator Guess, as I look at this I begin wondering about whether we should not add the prosecutor; and we recently had a case where a judge died as a result of a bomb, apparently by a former person that he had sentenced for the commission of a crime. I just wonder where the line ends. Maybe a newspaper man who wrote an unfavorable story about the trial. I do not know where to draw it."

Senator Guess: "Mr. President, after listening to Senator Francis on this and I think that the language of the amendment as it is offered would be definitive and therefore I would urge that the body adopt the amendment."

Further debate ensued.

The motion by Senator Guess failed and the amendment was not adopted.

There being no objection, the two amendments by Senator Grant to page 2, line 3 on the Secretary's desk were withdrawn.

PARLIAMENTARY INQUIRY

Senator Fleming: "I was wondering; there are amendments on page 1 still not adopted. Can we still take those after we adopt these on page 2?"

REPLY BY THE PRESIDENT

The President: "It will be necessary to consider the amendments on page 2 first, Senator, because those on page 1 strike the material, and the body must be given the privilege of improving the measure."

Senator Goltz moved adoption of the following amendment:

On page 2, following line 9, add 2 new sections to read as follows:

"*NEW SECTION.* Sec. 2. There is added to chapter . . . (SSB No. 2092), Laws of 1975 first ex. sess. and to chapter 9A.32 RCW a new section to read as follows:

If subsequent to the imposition of the death sentence and execution pursuant thereto in any case the person executed is found by a jury in a civil action brought for this purpose in a superior court of the state of Washington to have been innocent of the crime for which he was executed the person having carried out the death sentence shall not be charged with aggravated murder in the first degree pursuant to subsection (c) of section one of this act but the state shall pay to the surviving heirs of the executed person an indemnity in the amount of ten million dollars to be distributed to such heirs in accordance with the provisions of RCW 11.04.015. Should the person executed die without leaving heirs within the ambit of the laws of intestate succession the ten million dollars shall not escheat to the state, but shall be devoted to the construction of a monument in the executed person's name to be placed on the grounds of the state capitol facing the temple of justice."

Senator Rasmussen moved adoption of the following amendment to the amendment by Senator Goltz:

Following New Section 2 of the Goltz amendment, insert a new section to read as follows:

"*NEW SECTION.* Sec. 2A. There is added to chapter . . . (SSB No. 2092, Laws of 1975 first ex. sess. and to chapter 9A.32 RCW a new section to read as follows:

In each and every case where a person has been convicted of the crime of aggravated murder in the first degree as defined by section one of this act, the state of Washington shall award to the surviving heirs of the innocent victim or victims indemnity not to exceed ten million dollars as just compensation for loss of love, companionship and earnings of the murder victim. Such indemnity is to be distributed to such heirs in accordance with the provisions of RCW 11.04.015. Such indemnity shall be payable by the state of Washington for its negligence in failing to have prevented the crime of aggravated murder and for its failure to have accorded to its citizens, residents, and visitors the protection to which they are entitled by law in every civilized society."

POINT OF ORDER

Senator Goltz: "I would like to challenge the amendment on scope and object. I would like to speak to that. It seems to me that we have a new subject here in this amendment to the amendment which deals with the matter of payment to victims of crime. While I support that concept, it seems to me it is an inappropriate place to put such an amendment when we are dealing in this case with the penalties for the makers of the crime."

POINT OF ORDER

Senator Henry: "I raise the question of scope and object on Senator Goltz's amendment. That will settle the whole thing."

RULING BY THE PRESIDENT

The President: "In ruling on the points of order as presented by Senator Goltz and Senator Henry, the President determines that Senate Bill No. 2007 is a measure dealing with a mandatory death penalty in certain criminal cases. Both of the proposed amendments to which objection has been raised deal solely with compensation in civil cases. The amendments, therefore, do change the scope and object of the bill and the points of order are well taken."

The amendment by Senator Rasmussen to the amendment by Senator Goltz and the amendment by Senator Goltz were ruled out of order.

Senator Goltz moved adoption of the following amendment:

"*NEW SECTION*. Sec. 3. There is added to chapter . . . (SSB No. 2092), Laws of 1975 first ex. sess. and to chapter 9A.32 RCW a new section to read as follows:

Each judge in delivering instructions to a jury where the death penalty may be imposed shall be required to read to the jury the names of all persons previously executed and subsequently having been found innocent of the crime for which such person or persons were executed."

Renumber the succeeding sections.

On motion of Senator Rasmussen, the following amendment to the amendment by Senator Goltz was adopted:

Following New Section 3 of the Goltz amendment insert a new section to read as follows:

"*NEW SECTION*. Sec. 3A. There is added to chapter . . . (SSB No. 2092), Laws of 1975 first ex. sess. and to chapter 9A.32 a new section to read as follows:

Each judge in delivering instructions to a jury in cases where a person is charged with the crime of aggravated murder in the first degree as defined in section one of this act shall be required to read to the jury the names of all innocent victims of the crime of aggravated murder in the first degree and their survivors and shall include in his instructions the full details of each of such aggravated murder crimes which have deprived such survivors of the love and affection of the victim to which they were entitled and the judge shall further include a list of all persons having been pardoned, released or paroled by Governor Evans and any succeeding governor of the state of Washington which list shall contain the names of all pardoned, released or paroled criminals who after such pardon, parole or release have been found guilty of the commission of further homicides."

Debate ensued.

The motion by Senator Goltz failed and the amendment, as amended, was not adopted.

Senator Cunningham moved adoption of the following amendment:

On page 1, section 1, line 29 through line 9 on page 2 strike entire subsection (2) and insert a new subsection (2) as follows:

"(2) A person found guilty of aggravated murder in the first degree shall be punished by the mandatory sentence of confinement to prison for the remainder of his natural life. A person sentenced under this section shall not have that sentence suspended, deferred, or commuted by any judicial officer, and the board of prison terms and paroles shall never parole a prisoner or reduce the period of confinement nor release the convicted person as a result of any automatic good time calculation nor shall the department of social and health services permit the convicted person to participate in any work release or furlough program. For the purpose of this section RCW 9.95.115 shall not be applicable."

Debate ensued.

Senator Peterson demanded the previous question. The demand was not sustained.

POINT OF INQUIRY

Senator Odegaard: "Would Senator Francis yield to a question? It might have some bearing on this amendment. You and Senator Henry have both stated that you would like to see both proposals on the ballot and let the people choose. Could you ex-

plain to us actual procedure and how that would work? Now what if the people adopted both measures?"

Senator Francis: "Senator Odegaard, I wrote both measures so that they would be consistent in the unlikely result of the public voting for both bills. For example, in Senate Bill No. 2829, which provides for a mandatory life imprisonment for aggravated murder in the first degree, it states that, and this is on the back of that page, it says that a person found guilty of aggravated murder in the first degree shall be punished by the mandatory sentence of confinement to prison for the remainder of his natural life,' and then it has one cross reference I will not go into now; and then says, 'Provided that this section shall not be construed to prohibit the death penalty in proper cases as authorized by law.' What would happen then is if both passed, regardless of what the United States Supreme Court said, there would be some effect given to this or to the other one. It may be, for example, that on an appeal some of those subsections of aggravated first degree murder would be held to be unconstitutional to provide a death penalty and others would be, so in that case the death penalty would prevail. If both are adopted, the death penalty one will prevail is what would happen. There are a number of outs. For example, I certainly think it is important that we pass Senate Bill No. 2829 because I think there is every likelihood that the House again will not pass the death penalty and if we seriously want to get these people out of circulation, then I think we have to at least give the House the option of passing something that prevents these people from getting in circulation again. The other thing which I think you should be aware of is that there is nothing in any of these three alternatives, and I am including Senator Cunningham's amendment in that as the third one. There is nothing in any of these three that forbids the Governor to exercise his pardoning power under the Constitution, and unless you expressly limit that power, which you can do under this Constitution, but unless that power is expressly limited it still exists, so that in any of these cases where it was later determined that a pardon should be granted, it could be granted. And of course in the case of an execution that would have to happen before the execution, but no matter how the life imprisonment came about, there is always that hope Senator Van Hollebeke referred to of a pardon."

POINT OF INQUIRY

Senator Bailey: "Would Senator Francis yield? Senator Francis, when Senator Knoblauch was giving a very good speech on the problem he said that he was happy to vote for this if it would give the people a choice. Now my question is this: If we adopt the amendment and strike capital punishment and make mandatory life sentencing the fact of Senate Bill No. 2007, isn't it true they no longer have a choice? They only have before them then just the mandatory life imprisonment. Isn't it true that we would have to pass both bills in order to give the people a true choice at the polls?"

Senator Francis: "That is correct, Senator Bailey. As a matter of fact, this bill already has written into it as it came from committee a fallback position too that if the death penalty is found to be unconstitutional in whole or in part, that for those aggravated first degree murders the penalty would still be life and it would be the same as written by Senator Cunningham. The effect of adopting this amendment would be to completely eliminate that choice and to make the decision here. Yes, that is quite clear."

Further debate ensued.

The motion by Senator Cunningham failed and the amendment was not adopted.

Senator Fleming moved adoption of the following amendment:

On page 1, beginning on line 29, strike the balance of the section down through the period on page 2, line 9 and insert:

"(2) A person found guilty of aggravated murder in the first degree shall be punished by the mandatory sentence of death, if the jury unanimously finds that there are no substantial factors in mitigation of the offense, and any of the following is true:

(a) The defendant's background, history, and prior criminal record, if any, demonstrate, beyond a reasonable doubt, that there is no substantial likelihood of his being reformed or rehabilitated;

(b) There were aggravating circumstances surrounding the commission of the of-

fense which, when viewed in light of the defendant's background, history, and prior criminal record, if any, demonstrate beyond a reasonable doubt that there is a substantial likelihood that the defendant will willfully and unlawfully kill another human being;

(c) There were aggravating circumstances surrounding the commission of the offense which, when viewed in light of the defendant's background, history, and prior criminal record, if any, demonstrate beyond a reasonable doubt that he cannot be controlled and is substantially likely to commit another murder while in prison.

(3) Every person charged in an indictment or information with aggravated murder in the first degree shall be represented by counsel of his choice in all proceedings in which such charges are at issue. The costs of such representation shall be borne by the state.

NEW SECTION. Sec. 2. There is added to chapter 2.04 RCW a new section to read as follows:

The supreme court shall have exclusive appellate jurisdiction in all cases in which the death penalty is imposed. In addition to its authority regarding correction of errors of law, the court shall review the record of the case and of other cases in which the death penalty was imposed and affirm the death sentence only if it determines that the imposition of the penalty of death was not disproportionate to the penalty imposed in similar cases and that no discrimination as to race, religion, sex, or economic status was involved in the trial or sentencing process."

Renumber the remaining sections.

Debate ensued.

POINT OF INQUIRY

Senator Lewis (R. H. "Bob"): "Will Senator Fleming yield? Senator Fleming, statistics are sometimes quite interesting, and if I heard you correctly, I believe you said that in Florida that fifty-four percent of the black men convicted of raping a white woman were executed. Did I hear that correctly? Do you have any statistics as to how many convictions there were of white men raping black women and what the executions were?"

Senator Fleming: "As I indicated before, the statistics that we were running were in terms of executions and statistics showed that not one white man had ever been executed for raping a black woman."

Senator Lewis (R. H. "Bob"): "How many had been convicted of raping a black woman?"

Senator Fleming: "We did not get those. We were mainly involved in the execution part of it. From my understanding, the percentage of those who were convicted were far less, minute."

Senator Lewis (R. H. "Bob"): "We do not know how many white men were convicted of raping a black woman? I see. One other question, if I may. If I read correctly, and I do read correctly on this one, it says that 'every person charged in an indictment or information with aggravated murder in the first degree shall be represented by counsel of his choice in all proceedings in which such charges are at issue. The cost of such representation shall be borne by the state.' Would that mean that that does not limit it to Washington State attorneys or anyone? He can have counsel of his choice. If I am charged with murder, I could choose Melvin Belli to be my defense attorney and the state would bear the cost. Is that correct under this?"

Senator Fleming: "In a normal situation I guess that could be the case, but if that is some concern of yours and if you are willing to support the bill, I would accept your amendment."

Senator Lewis (R. H. "Bob") moved adoption of the following amendment to the amendment by Senator Fleming:

Amend the Fleming amendment to page 1, beginning on line 29 as follows: Strike all of subsection (3).

POINT OF INQUIRY

Senator Fleming: "Question to Senator Lewis. I think you misunderstood me. I

was willing for you to put an amendment in there saying that legal counsel within the state of Washington. That is what you were concerned about, getting someone out of the state, and so that is what I heard your question to be and that is what I indicated that I would support, if you wanted to limit the counsel in the state of Washington and not Mr. Belli outside of the state."

Senator Lewis (R. H. "Bob"): I believe that today anyone accused of murder is entitled to defense appointed by court. Is that correct?"

Senator Fleming: "And that is what the amendment says, that they should not have to rely on a public defender or someone appointed by a court who might be overworked, might not give them the kind of counsel, legal counsel and backing that they would get from someone who was more for it and had the money to pay for it."

Senator Lewis (R. H. "Bob"): "I think I will let my amendment stand as is, Mr. President."

POINT OF INQUIRY

Senator Fleming: "May I ask Senator Lewis another question? In your move of the oral amendment, did I hear you say that you were supporting my amendment if that was adopted?"

Senator Lewis (R. H. "Bob"): "No, I did not make such a commitment."

Further debate ensued.

POINT OF INQUIRY

Senator Fleming: "Senator Francis, would you yield? You are speaking of this amendment and maybe there is a technical error in the amendment somewhere along the way. If you, as a learned attorney and the chairman of Judiciary, would like to give an oral amendment to that section so that we are talking about the indigents that we do the same thing in other cases, then I would appreciate that and would like your support on it. The intention of the amendment was not to make sure if you were disadvantaged and poor and so forth that you would be able to get that counsel but that it would not just be limited to a court appointed attorney or a public defender but you were able to get the best type of defense because this type of crime, this type of a penalty, taking one's life, is a heck of a lot different than some of the other areas that you were talking about."

Senator Francis: "Senator Fleming, it would be easy to add some language but I do not think that would solve all of the problem. It is not a technical problem. I think it is a problem partly of philosophy. You could add after the word 'state' 'in cases of indigency' or something, but then you still have no control over who they are going to hire and in effect we are saying we offer to pay the bill if he wants to get Melvin Belli or Percy Forman or somebody else. Remember Percy Forman? He is the guy who says that 'my client's punishment is my fee'. And in that case we would only be punishing the state of Washington and I do not think that is what we want to do. I think you are better just leaving this out of this amendment. I think you have even a better chance of having it pass."

The motion by Senator Lewis (R. H. "Bob") carried and the amendment to the amendment by Senator Fleming was adopted.

The motion by Senator Fleming failed and the amendment, as amended, was not adopted.

Senator Pullen moved adoption of the following amendment:

On page 2, line 13, after "In" insert "the event that the governor commutes a death sentence or in".

POINT OF INQUIRY

Senator Francis: "Would Senator Pullen yield? Senator Pullen, would your amendment do anything to the Governor's power to grant a complete pardon?"

Senator Pullen: "No, not at all. It would do nothing to that. For example, if a person were in prison for life and it was subsequently determined that this person were innocent of the crime to which he had originally been convicted, the Governor could still give him a complete pardon and he could then be freed."

The motion by Senator Pullen carried and the amendment was adopted.

On motion of Senator Cunningham, the following amendment by Senators Cunningham and Pullen was adopted:

On page 2, line 21 after "never" insert "parole a prisoner or".

There being no objection, the amendment by Senator Cunningham to page 2, beginning on line 10 on the Secretary's desk, was withdrawn.

On motion of Senator Pullen, the following amendment by Senators Pullen, Newschwander and Rasmussen was adopted:

On page 2, line 33 after section 3, insert the following:

"*NEW SECTION.* Sec. 4. 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."

There being no objection, Senator Woody was excused.

MOTION

Senator Francis moved that the rules be suspended, Engrossed Substitute Senate Bill No. 2007 be advanced to third reading, the second reading considered the third and the bill be placed on final passage.

The motion carried on a rising vote.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 2007.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2007, and the bill passed the Senate by the following vote: Yeas, 33; nays, 14; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bottiger, Buffington, Clarke, Day, Donohue, Francis, Guess, Henry, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Morrison, Newschwander, North, Peterson, Pullen, Rasmussen, Sandison, Scott, Sellar, Stortini, Talley, von Reichbauer, Walgren, Wanmaker—33.

Voting nay: Senators Bluechel, Cunningham, Fleming, Goltz, Gould, Grant, Herr, McDermott, Murray, Odegaard, Ridder, Van Hollebeke, Washington, Wilson—14.

Excused: Senators Matson, Woody—2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2007, having received the 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 Francis, Engrossed Substitute Senate Bill No. 2007 was ordered immediately transmitted to the House.

SECOND READING

SENATE BILL NO. 2829, by Senator Morrison:

Relating to sentencing procedures.

REPORT OF STANDING COMMITTEE

April 8, 1975.

SENATE BILL NO. 2829, relating to sentencing procedures (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and substitute the following:

"*NEW SECTION.* Sec. 1. There is added to chapter . . . (SSB No. 2092), Laws of 1975 first ex. sess. and to chapter 9A.32 RCW a new section to read as follows:

(1) A person is guilty of aggravated murder in the first degree when he commits murder in the first degree as defined in RCW 9A.32.030 under or accompanied by any of the following circumstances:

(a) The victim was either a law enforcement officer in uniform or a fireman murdered in the course of performing his official duties.

(b) At the time of the act resulting in the death, the defendant was imprisoned in a state correctional institution serving a maximum term of life imprisonment.

(c) The defendant committed the murder pursuant to an agreement that he receive money or other thing of value for committing the murder.

(d) The defendant had solicited another to commit the murder and had paid or agreed to pay such person money or other thing of value for committing the murder.

(e) The defendant committed the murder in the course of or in furtherance of the crime of rape or kidnapping or in immediate flight therefrom.

(f) The defendant committed the murder to cover up the commission of a crime, or to facilitate flight from the scene of a crime.

(2) A person found guilty of aggravated murder in the first degree shall be punished by the mandatory sentence of confinement to prison for the remainder of his natural life. For the purpose of this section, RCW 9.95.115 shall not be applicable: PROVIDED, That this section shall not be construed to prohibit the death penalty in proper cases as authorized by law.

A person sentenced under this section shall not have that sentence suspended, deferred, or commuted by any judicial officer, and the board of prison terms and paroles shall never reduce the period of confinement nor release the convicted person as a result of any automatic good time calculation nor shall the department of social and health services permit the convicted person to participate in any work release or furlough program.

NEW SECTION. Sec. 2. 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 the provisions of section 1, Article II of the Constitution of the state of Washington, as amended, and the laws adopted to facilitate the operation thereof."

On line 1 of the title, after "procedures" and before the period insert "; adding new sections to chapter . . . (SSB No. 2092), Laws of 1975 first ex. sess. and to chapter 9A.32 RCW; defining crimes; prescribing penalties; and providing for a referendum".

Signed by: Senators Francis, Chairman; Bottiger, Buffington, Clarke, Jones, Woody.

The bill was read the second time by sections.

Senator Francis moved adoption of the committee amendment.

On motion of Senator Cunningham, the following amendment to the committee amendment was adopted:

On page 1, subsection (2) of section 1 of the amendment, line 11 of the subsection, after "never" insert "parole a prisoner or".

The motion by Senator Francis carried and the committee amendment, as amended, was adopted.

On motion of Senator Francis, the committee amendment to the title was adopted.

On motion of Senator Francis, the rules were suspended, Engrossed Senate Bill No. 2829 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 Senate Bill No. 2829, and the bill passed the Senate by the following vote: Yeas, 41; nays, 6; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Francis, Goltz, Gould, Guess, Henry, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—41.

Voting nay: Senators Bluechel, Fleming, Grant, Herr, Murray, Van Hollebeke—6.
Excused: Senators Matson, Woody—2.

ENGROSSED SENATE BILL NO. 2829, having received the 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 Francis, Engrossed Senate Bill No. 2829 was ordered immediately transmitted to the House.

MOTIONS

Senator Mardesich moved that the Senate immediately consider Senate Bill No. 2417.

Senator Lewis (Harry) moved that the Senate hold consideration of Senate Bill No. 2417 to Monday, April 21, 1975.

Debate ensued.

POINT OF INQUIRY

Senator Sandison: "Would Senator Peterson answer a question, please? Senator Peterson, don't you have other titles that you can use for your amendments?"

Senator Peterson: "Yes, I do, Senator Sandison. We could do this two ways. We could either put a substitute bill on the floor Monday or we could put another title only which would prolong the action. In effect it would then have to go to Rules Committee and I think what we are all trying to do here is alleviate the problem before we run out of time."

Further debate ensued.

Senator Talley demanded a roll call and the demand was sustained by Senators Sandison, Donohue, Guess, Rasmussen, Peterson, von Reichbauer, Day, Van Hollebeke and Cunningham.

The President declared the question before the Senate to be the motion by Senator Lewis (Harry) that Senate Bill No. 2417 be considered on Monday, April 21, 1975.

ROLL CALL

The Secretary called the roll and the motion by Senator Lewis (Harry) carried by the following vote: Yeas, 27; nays, 19; absent or not voting, 1; excused, 2.

Voting yea: Senators Benitz, Bluechel, Bottiger, Clarke, Cunningham, Fleming, Francis, Goltz, Gould, Grant, Jones, Lewis (Harry), Lewis (R. H. "Bob"), Marsh, McDermott, Morrison, Murray, Newschwander, North, Pullen, Ridder, Scott, Sellar, Stortini, Van Hollebeke, Wanamaker, Washington—27.

Voting nay: Senators Bailey, Beck, Day, Donohue, Guess, Henry, Herr, Jolly, Keefe, Knoblauch, Mardesich, Odegaard, Peterson, Rasmussen, Sandison, Talley, von Reichbauer, Walgren, Wilson—19.

Absent or not voting: Senator Buffington—1.

Excused: Senators Matson, Woody—2.

Senate Bill No. 2417 was ordered held on the second reading calendar for Monday, April 21, 1975.

MOTIONS

On motion of Senator Peterson, Senate Bill No. 2954 was ordered placed at the beginning of the second reading calendar for Monday, April 21, 1975.

On motion of Senator Sandison, Senate Bill No. 2417 was ordered placed on the second reading calendar immediately following Senate Bill No. 2954 on Monday, April 21, 1975.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of Reengrossed Substitute Senate Bill No. 2424 on second reading.

SECOND READING

REENGROSSED SUBSTITUTE SENATE BILL NO. 2424, by Committee on Ecology (originally sponsored by Senators Walgren, Washington and Lewis (R. H. "Bob")):

Coordinating public water supply system planning.

The Senate resumed consideration of Reengrossed Substitute Senate Bill No. 2424. On April 17, 1975, the Senate moved to reconsider the bill which failed to pass the Senate on April 14, 1975. On motion of Senator Washington on April 17, 1975, the bill was returned to second reading.

On motion of Senator Washington, the following amendment was adopted:

On page 5, line 25 of the printed substitute bill, being page 6, line 9 of the reengrossed substitute bill, after "standards" and before the period insert ": PROVIDED, That the regulations shall require the application of the standards for new and expanding systems only".

On motion of Senator Washington, the following amendment by Senators Washington and Rasmussen was adopted:

On page 6, beginning on line 19 of the printed substitute bill, strike section 12, being page 7, line 3 of the reengrossed bill, renumbered section 13.

MOTIONS

On motion of Senator Francis, Senator McDermott was excused.

There being no objection, Senator Keefe was excused.

On motion of Senator Lewis (R. H. "Bob"), Senator Buffington was excused.

On motion of Senator Mardesich, Senator Day was excused.

On motion of Senator Washington, the rules were suspended, Second Reengrossed Substitute Senate Bill No. 2424 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

PARLIAMENTARY INQUIRY

Senator Washington: "I do have some question about the number of people who are on the floor, but since we have amended the bill, this is a new bill and if we do not have the constitutional majority, I believe I could ask for a reconsideration again."

REPLY BY THE PRESIDENT

The President: "Senator Washington, there is some doubt in the President's mind that this is a new bill. This is an amended bill."

Senator Washington: "But it is a new matter if we reconsidered, we now have a bill that has different provisions in it. It went back to second reading."

The President: "Going back to second reading does not necessarily make it a new bill, Senator."

Senator Washington: "But when we amended it, I believe, it did."

The President: "The President wants to remind you that one reconsideration is all that is permitted."

ROLL CALL

The Secretary called the roll on the final passage of Second Reengrossed Substitute Senate Bill No. 2424, and the bill, on reconsideration, passed the Senate by the following vote: Yeas, 30; nays, 13; excused, 6.

Voting yea: Senators Bailey, Beck, Bluechel, Bottiger, Clarke, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (R. H. "Bob"), Murray, North, Peterson, Rasmussen, Ridder, Scott, Sellar, Stortini, Van Hollebeke, Walgren, Wanamaker, Washington—30.

Voting nay: Senators Benitz, Cunningham, Lewis (Harry), Mardesich, Marsh, Morrison, Newschwander, Odegaard, Pullen, Sandison, Talley, von Reichbauer, Wilson—13.

Excused: Senators Buffington, Day, Keefe, Matson, McDermott, Woody—6.

SECOND REENGROSSED SUBSTITUTE SENATE BILL NO. 2424, 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 Mardesich, the Senate returned to the first order of business.

REPORT OF STANDING COMMITTEE

April 18, 1975.

SENATE BILL NO. 2089, exempting students seeking high school diploma or certificates from payment of fees at community colleges (reported by Committee on Higher Education):

MAJORITY recommendation: That Substitute Senate Bill No. 2089 be substituted therefor and the substitute bill do pass and be referred to the Committee on Ways and Means.

Signed by: Senators Sandison, Chairman; Benitz, Goltz, Odegaard, Scott.
Referred to Committee on Ways and Means.

MOTIONS

On motion of Senator Mardesich, Senate Bill No. 2962 was ordered held on the Introduction and First Reading calendar for Wednesday, April 23, 1975.

On motion of Senator Mardesich, the Senate returned to the fourth order of business.

MESSAGES FROM THE HOUSE

April 18, 1975.

Mr. President: The Speaker has signed HOUSE CONCURRENT RESOLUTION NO. 28, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

April 18, 1975.

Mr. President: The Speaker has signed:
SENATE BILL NO. 2079,
SENATE CONCURRENT RESOLUTION NO. 111, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:
HOUSE CONCURRENT RESOLUTION NO. 28.

MOTION

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

MOTION

Senator Mardesich moved adoption of the following resolution:

SENATE RESOLUTION 1975-34

By Senator Mardesich:

WHEREAS, The Legislature is facing a critical period of budget decision-making and requires as much information as necessary from public agencies, boards and commissions in order to responsibly allocate limited revenues for governmental programs; and

WHEREAS, The Senate has been concerned with the costs of the state pension system; and

WHEREAS, By state law the state contribution to the Public Employees Retirement System is determined by the Public Employees Retirement Board on the basis of actuarial valuations; and

WHEREAS, Actuarial valuations are based on assumptions about such factors as future increases in salaries, the size of payroll, the incidence of mortality and disability, turnover rate, and mortality rate; and

WHEREAS, The required state contribution may vary substantially from projected amounts if the actuarial assumptions used vary substantially from the actual emerging experience of the retirement system; and

WHEREAS, State law provides a method of testing the appropriateness of the actuarial assumptions by requiring that the Public Employees Retirement Board cause an actuarial experience investigation to be conducted every five years; and

WHEREAS, The most recent experience investigation of the Public Employees Retirement System is for the period ended December 31, 1967; and

WHEREAS, The experience investigation for the five-year period ended December 31, 1972 has not been produced after a request from the Select Committee on Pensions on November 14, 1974 and after a subsequent request by the Senate Majority Leader on April 4, 1975 despite a response dated November 27, 1974 by Thomas P. Bleakney, actuary to the System, that such investigation would be produced within a few weeks of that response; and

WHEREAS, The information in such an experience investigation is required for the Senate Ways and Means Committee to evaluate the budget properly; and

WHEREAS, It appears that the Public Employees Retirement Board has defaulted in a duty required to be performed by law;

NOW, THEREFORE, BE IT RESOLVED, That the Senate Majority Leader, August P. Mardesich, and the Senate Ways and Means Committee Chairman, Hubert F. Donohue, are hereby authorized to file suit immediately on behalf of the Senate in the courts of this state for the purpose of mandating the Public Employees Retirement Board, its members, and its director, Lloyd Baker, to cause an actuarial experience investigation to be made of the Public Employees Retirement System for the period ended December 31, 1972 as required by law or to produce such investigation or for any other appropriate relief.

Debate ensued.

MOTION

Senator Murray moved that Senate Resolution 1975-34 be considered under the proper order of business on Monday, April 21, 1975.

Debate ensued.

The motion by Senator Murray failed.

The motion by Senator Mardesich carried and the resolution was adopted.

MOTION

On motion of Senator Mardesich, the Senate returned to the sixth order of business.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of Engrossed House Bill No. 377.

SECOND READING

ENGROSSED HOUSE BILL NO. 377, by Representatives Curtis and Hurley (George) (by Department of Game request):

Increasing certain fees and licenses for game and game fish.

The bill was read the second time by sections.

On motion of Senator Peterson, the rules were suspended, Engrossed House Bill No. 377 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 Guess: "Would Senator Peterson yield? Senator Peterson, on page 6 of the bill I find that section 4, line 24, says 'This section shall expire on March 31, 1976, thereafter shall be of no force and effect.' This has to do with, as I read it, the steelhead fishing license or a seal."

Senator Peterson: "Senator, pardon me, you are on page 6. What line?"

Senator Guess: "That was on lines 24 and 25. Then on lines 34 and 35 it says that section 5 shall expire December 31, 1975. Then on the next page, that section 6 will expire. Will you explain that to me?"

Senator Peterson: "Are you on House Bill No. 377?"

Senator Guess: "Reengrossed House Bill No. 377, which is in our books on page 67. In the House Book. Sections 4, 5, 6, 7, 8, 9, 10 and 11 all have a terminal date on them, and I really do not know what they are doing, Senator, and I like to know before I vote for a bill."

Senator Sandison: "Mr. President, perhaps I can answer that. In regards to the steelhead fishing tag, because they have now become a commercial fish as far as the Indians are concerned, this sets up the reporting, they are going to set up a new reporting form, and the same way with the licenses. They would begin in January."

Senator Guess: "All right. Then in section 5, Senator, it says 'any resident may by paying the sum of twelve dollars or paying a state hunting and fishing license which entitles the holder thereof to hunt and fish in any county in the state.' Now is this going to do away with the statewide hunting license?"

Senator Peterson: "No."

Senator Guess: "It declares that it will expire on the 31st of December 1975."

Senator Peterson: "They all expire. They are only issued for a year."

Senator Guess: "But they say that this section shall expire. Now next year there will not be any statutory language that they can buy a statewide fishing license."

Senator Peterson: "I do not think you jre reading it right. Line 31 says 'to hunt and fish in any county in the state until the first day of January next following the date of its issuance' and I do not think that eliminates the annual issuance of a license. I am sure it is not intended that way."

Senator Guess: "Okay. Mr. President, I have my doubts about the bill very much because it appears that it is going to very seriously limit the ability of various people to fish in the state. I just do not think we ought to do that."

"It goes on, there are many sections in there that it seems to repeal or put a terminal date on."

Senator Sandison: "Mr. President, if perhaps I could respond to Senator Guess, there is a new section in here which puts a date on it and as soon as Senator Donohue comes back, I will get the number of it. There is a new section 14 on page 9 of the bill. 'The section shall expire December 31, 1975 and thereafter be no further force and effect whatsoever.' And then there is another section that puts it back into force."

Senator Guess: "Senator Sandison, Senator Clarke has pointed out section 20 in which they reenact all of these sections with the higher fee. Now perhaps they use that direction instead of"

Senator Sandison: "That is correct. The code reviser made all these others null and void and then raised them. Correct."

Senator Guess: "I thank you very much and I appreciate the tolerance of the Senate."

MOTION

Senator Rasmussen moved that the rules be suspended and Engrossed House Bill No. 377 be returned to second reading.

Debate ensued.

POINT OF INQUIRY

Senator Peterson: "Senator Rasmussen, would you yield? Senator Rasmussen, how old are you?"

Senator Rasmussen: "Sixty-five, Senator Peterson. Senator Peterson, I might also state that where I used to buy licenses many years ago when my children were small, I have since found that I have been so busy I have not had time to go fishing, have not bought a license, so this would not be what you would call a conflict of interest. I doubt very much if I will have time to go fishing this year, either, the way this session is running."

The motion by Senator Rasmussen failed.

MOTION

On motion of Senator Wilson, Senator Goltz was excused.

The President declared the question before the Senate to be the roll call on final passage of Engrossed House Bill No. 377.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 377, and the bill passed the Senate by the following vote: Yeas, 34; nays, 4; absent or not voting, 4; excused, 7.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Clarke, Cunningham, Donohue, Fleming, Gould, Guess, Henry, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Marsh, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Ridder, Sandison, Scott, Sellar, Stortini, Van Hollebeke, Walgren, Wanmaker, Washington, Wilson—34.

Voting nay: Senators Mardesich, Rasmussen, Talley, von Reichbauer—4.

Absent or not voting: Senators Francis, Grant, Herr, Murray—4.

Excused: Senators Buffington, Day, Goltz, Keefe, Matson, McDermott, Woody—7.

ENGROSSED HOUSE BILL NO. 377, having received the 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. 2965, by Senator Bailey:
Relating to the veterans' bonus.

MOTION

On motion of Senator Bailey, Senate Bill No. 2965 was referred to the Committee on Ways and Means.

MOTION

At 5:20 p.m., on motion of Senator Mardesich, the Senate adjourned until 10:00 a.m., Monday, April 21, 1975.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

THIRTY-NINTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, April 21, 1975.

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 Francis, Herr, McDermott, Murray, Rasmussen, Scott and Walgren. On motion of Senator Knoblauch, Senator Herr was excused. On motion of Senator Lewis (R. H. "Bob"), Senators Scott and Murray were excused. There being no objection, Senators Francis, McDermott, Rasmussen and Walgren were excused.

The Color Guard, consisting of Pages Chris Bensinger and Dan Franks, presented the Colors. Reverend Arthur I. Anderson, pastor of Gloria Dei Lutheran Church of Olympia, offered the following prayer:

"NOT BY MIGHT NOR BY POWER BUT BY MY SPIRIT, SAYS THE LORD. OUR FATHER GOD, WE THANK YOU FOR THAT PLACE OF QUIET REST NEAR TO YOUR HEART. QUIET OUR RESTLESS SPIRITS. CALM OUR TROUBLED HEARTS. BRING PEACE TO OUR LIVES IN THE MIDST OF CONFUSION AND STRUGGLE. WE LIFT OUR HEARTS IN PRAYER THIS MORNING FOR ALL IN AUTHORITY, FOR OUR NATIONAL LEADERS, FOR REPRESENTATIVES AT THE UNITED NATIONS AND IN FOREIGN LANDS, FOR ALL OFFICIALS IN STATE, COUNTY AND CITY GOVERNMENT.

"WE INVOKE YOUR SPECIAL BLESSING UPON THE LIEUTENANT GOVERNOR AND THE MEMBERS OF THIS SENATE AS THEY TAKE UP THE TRYING TASKS AND DIFFICULT DECISIONS OF ANOTHER DAY. YOUR WORD ADMONISHES US TO 'SPEAK THE TRUTH IN LOVE'. ALTHOUGH WE HAVE THE RIGHT TO DIFFER, WE NEVERTHELESS HAVE THE CHRISTIAN DUTY TO DIFFER IN LOVE, AND THE FURTHER DUTY TO DECIDE FOR THE RIGHT AS YOUR SPIRIT GUIDES US TO SEE THE RIGHT. GRANT, THEN, TO OUR LEGISLATORS THIS DAY CLEAR VISION, TRUE INSIGHT AND JUST AND DEFINITE ACTIONS. USE THEM AS INSTRUMENTS TO FURTHER YOUR WAYS. FOR YOUR LOVE'S SAKE, WE ASK IT. AMEN."

MOTION

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

REPORTS OF STANDING COMMITTEES

April 18, 1975.

SENATE BILL NO. 2933, relating to homes for soldiers and veterans (reported by Committee on Social and Health Services):

MAJORITY recommendation: That Substitute Senate Bill No. 2933 be substituted therefor and the substitute bill do pass.

Signed by: Senators Day, Chairman; Francis, Goltz, Gould, North, Pullen, Ridder, Van Hollebeke.

Passed to Committee on Rules for second reading.

April 18, 1975.

HOUSE BILL NO. 383, permitting salaries to be set out in total amount under each budget class in a school district preliminary budget (reported by Committee on Education):

MAJORITY recommendation: Do pass.

Signed by: Senators Stortini, Chairman; Francis, Gould, Murray.
Passed to Committee on Rules for second reading.

April 18, 1975.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 413, implementing law to eliminate sex discrimination in the public schools (reported by Committee on Education):
MAJORITY recommendation: Do pass as amended.
Signed by: Senators Stortini, Chairman; Francis, Gould, McDermott, Murray, Newschwander.
Passed to Committee on Rules for second reading.

MESSAGE FROM THE HOUSE

April 18, 1975.

Mr. President: The Speaker has signed:
SUBSTITUTE HOUSE BILL NO. 87,
SUBSTITUTE HOUSE BILL NO. 208, and the same are herewith transmitted.
DEAN R. FOSTER, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:
SUBSTITUTE HOUSE BILL NO. 87,
SUBSTITUTE HOUSE BILL NO. 208.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of Senate Bill No. 2634.

SECOND READING

SENATE BILL NO. 2634, by Senators Mardesich and Lewis (Harry):
Authorizing allowances for legislative members-elect.

REPORT OF STANDING COMMITTEE

April 16, 1975.

SENATE BILL NO. 2634, authorizing allowances for legislative members-elect (reported by Committee on State Government):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 9, after "of the" and before "of his" strike "interim governing body" and insert "committee on rules".

Signed by: Senators Rasmussen, Chairman; Buffington, Day, Henry, Knoblauch, Wanamaker.

The bill was read the second time by sections.

On motion of Senator Lewis (Harry), the committee amendment was adopted.

On motion of Senator Lewis (Harry), the rules were suspended, Engrossed Senate Bill No. 2634 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. 2634, and the bill passed the Senate by the following vote: Yeas, 40; nays, 1; absent or not voting, 1; excused, 7.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Goltz, Gould, Grant, Guess, Henry, Jolly, Jones, Keefe, Knoblauch,

Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Ridder, Sandison, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Wilson, Woody—40.

Voting nay: Senator Cunningham—1.

Absent or not voting: Senator Fleming—1.

Excused: Senators Francis, Herr, McDermott, Murray, Rasmussen, Scott, Waigren—7.

ENGROSSED SENATE BILL NO. 2634, having received the 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 Mardesich, the Senate commenced consideration of Senate Bill No. 2211.

SECOND READING

SENATE BILL NO. 2211, by Senators Beck and Sellar:

Authorizing certain types of motor vehicle lighting.

MOTIONS

On motion of Senator Guess, Substitute Senate Bill No. 2211 was substituted for Senate Bill No. 2211, 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. 2211 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Cunningham: "Would Senator Beck yield to a question? Senator Beck, what I would like to know is if it is broad enough that it would also permit what is known as the Yellow Cab caution light which was used in California, mounted on the back of taxicabs and as you were braking, the greater pressure that you braked with, the greater intensity of the light? Will this permit that?"

Senator Beck: "The demonstration that was made to the Legislative Transportation Committee, there is only one volume of light that comes out of it. If you are going ahead under the motive power of your engine it is a green light, a small green light. If you have your foot off of the throttle, it becomes a yellow light. No, I do not know anything about the kind of lighting that you are talking about. This, either it is on or it is off. There is no difference in the intensity of the light, to my knowledge."

Senator Cunningham: "Senator Beck, let me ask this. What kind of signal does this give if the truck is completely stopped and in neutral?"

Senator Beck: "If your engine is running, it will have an amber light. If your brakes are on the car, then of course the normal red brake lights will be showing. It in no way affects the current system of lights that are on a motor vehicle."

Senator Cunningham: "Thank you."

POINT OF INQUIRY

Senator Cunningham: "Would Senator Guess yield to a question? Senator Guess, being a supporter of traffic safety, I just want to make sure that this does not give people false signals under normal conditions. Could you explain a little more about this?"

Senator Guess: "Senator Cunningham, I think that the thing was worked out in the committee. We did everything we could in questioning the people who have developed this device to make sure that it does not give any false signals, and as Senator Beck has said, when the car is on the road and your accelerator is on, then the green light will be showing. When you take your foot off of the accelerator prior to braking, it will alert the driver behind you that you have taken your foot off of the accelerator and that you are

fixing to do something and the amber light will come on. Then if you put the brake pedal on, then the red light comes on, and I do not believe that it has anything to do with the cab system in San Francisco. I never heard of it and it has not been applied there."

Senator Cunningham: "Senator Guess, then I would ask you the same question and I am sorry that you have not heard about the system that was tried with Yellow Cabs. Would this legislation also permit the voluntary installation of what is known as the Yellow Cab safety light?"

Senator Guess: "No, sir."

POINT OF INQUIRY

Senator Wilson: "Will Senator Beck yield? Just to make this a matter of record and legislative intent, Senator Beck, am I correct in assuming that the features of Senate Bill No. 2211 are purely optional and voluntary?"

Senator Beck: "Yes, it is permissive legislation."

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2211, and the bill passed the Senate by the following vote: Yeas, 40; nays, 3; excused, 6.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Goltz, Gould, Grant, Guess, Henry, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Ridder, Sandison, Sellar, Stortini, Talley, Van Hollebeke, Wanamaker, Washington, Wilson, Woody—40.

Voting nay: Senators Fleming, Pullen, von Reichbauer—3.

Excused: Senators Francis, Herr, McDermott, Rasmussen, Scott, Walgren—6.

SUBSTITUTE SENATE BILL NO. 2211, having received the 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 Mardesich, the Senate commenced consideration of Senate Bill No. 2730.

SECOND READING

SENATE BILL NO. 2730, by Senators Lewis (Harry), Bailey, Murray, North, Peterson, Gould, Francis, Scott, Sandison, Guess and Bluechel:

Prescribing requirements for humane treatment of animals.

MOTIONS

On motion of Senator Jolly, Substitute Senate Bill No. 2730 was substituted for Senate Bill No. 2730, and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Jolly, the rules were suspended, Substitute Senate Bill No. 2730 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. 2730, and the bill passed the Senate by the following vote: Yeas, 43; excused, 6.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Goltz, Gould, Grant, Guess, Henry, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Ridder, Sandison, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Wilson, Woody—43.

Excused: Senators Francis, Herr, McDermott, Rasmussen, Scott, Walgren—6.

SUBSTITUTE SENATE BILL NO. 2730, having received the 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 Mardesich, the Senate commenced consideration of Senate Bill No. 2467.

SECOND READING

SENATE BILL NO. 2467, by Senators Walgren, Clarke and Herr:
Permitting mutual savings banks to convert to savings and loan associations.
The bill was read the second time by sections.

Senator Clarke moved adoption of the following amendment:

Strike everything after the enacting clause and insert the following:

“NEW SECTION. Section 1. As used in this chapter, unless the context indicates otherwise:

(1) “Association” means any building and loan or savings and loan association or society organized under the laws of this state or a savings and loan association organized under the laws of the United States of America;

(2) “Director” means a member of the managing board of an association;

(3) “Bank” means a mutual savings bank organized under the laws of this state; and

(4) “Trustee” means a member of the managing board of a bank.

NEW SECTION. Sec. 2. Any going bank may, if its guaranty fund regularly accumulated amounts to five thousand dollars or more, be converted into an association in the following manner:

(1) The trustees of such bank shall pass, by at least a two-thirds favorable vote of all trustees, a resolution declaring its intention to convert the bank into an association, specifying in such resolution the type of association and whether the association is to be organized under the laws of this state, or is to be organized under the laws of the United States of America. If the association is to be a state association the bank shall apply to the supervisor of savings and loan associations for authority to convert into an association;

(2) A duplicate of the application made to the supervisor of savings and loan associations, or such application as may be filed with the federal home loan bank board or other federal agency, shall be filed with the supervisor of banking;

(3) The supervisor of savings and loan associations shall, in the case of an application to convert into a state association, make the same investigation and determine the same questions as he would be required by law to make in determining the case of submission to him of articles of incorporation of a proposed new state association, and shall also determine, after conference with the supervisor of banking, whether the proposed conversion would serve the needs and conveniences of the depositors of such bank; and

(4) The supervisor of savings and loan associations shall grant or deny the application within sixty days of its date of filing and shall immediately notify the secretary of such bank of his decision.

NEW SECTION. Sec. 3. If the application is granted to become a state association, the supervisor of savings and loan associations shall require the applicant to enter into an agreement or undertaking with him, as trustee for the shareholders of the association, to make such cash contributions to an expense fund of the association as in his judgment will be necessary then and from time to time thereafter to pay the operating expenses of the association if its earnings should not be sufficient to pay the same in addition to the payment of such dividends as may be declared and credited to shareholders from its earnings.

NEW SECTION. Sec. 4. If the application is denied by the supervisor of savings and loan associations, the bank, acting by a two-thirds majority of its trustees, may,

within thirty days after receiving notice of such denial, appeal to the superior court of Thurston county pursuant to the provisions of the administrative procedure act, chapter 34.04 RCW.

NEW SECTION. Sec. 5. If the application is granted by the supervisor of savings and loan associations, or by the court, the trustees of such bank shall, within thirty days thereafter, subscribe, acknowledge, and file with the supervisor of savings and loan associations, in quadruplicate, a certificate of reincorporation stating:

(1) The name by which the association is to be known, which name shall include the words "building and loan" or "savings and loan", and "association" or "society";

(2) The place where the association is to be located and its business transacted, naming the city or town and the county, which city or town shall be the same as that where the principal place of business of the bank has theretofore been located;

(3) The name, occupation, residence, and post office address of each signer of the certificate;

(4) The amount of the assets of the association, the amount of its liabilities, and the amount of its guaranty fund as of the first day of the calendar month during which the certificate is filed; and

(5) A declaration that each signer will accept the responsibilities and faithfully discharge the duties of a director of the association, and is free from all the disqualifications specified in the laws applicable to savings and loan associations.

NEW SECTION. Sec. 6. Upon filing the certificate in quadruplicate as provided in section 5 of this act, the supervisor of savings and loan associations shall, within thirty days thereafter, if satisfied that all the provisions of this chapter have been complied with, issue in quadruplicate an authorization certificate stating that the association has complied with all of the requirements of law, and that it has authority to transact, at the place or places designated in its certificate, the business of an association. The supervisor of savings and loan associations shall retain one set of the quadruplicate originals of the certificate of reincorporation and of the certificate of authorization and shall transmit the other three sets to the association, which shall retain one set, file one set with the secretary of state, and file one set with the auditor of the county in which the home office of the association is located, paying the required fees. Upon such filings being made, the conversion of such bank to such association shall thereupon be a corporation having the powers and being subject to the duties and obligations prescribed by the laws of this state applicable to state associations, and the time of existence of such association shall be perpetual, unless sooner terminated.

NEW SECTION. Sec. 7. Upon the conversion of a bank into an association, every person who was a depositor of the bank at the time of the conversion shall become and be deemed to be a shareholder or depositor of the association in a sum equal to the withdrawal value of his deposits in the bank as of the day on which the conversion was consummated, and every such shareholder shall share in the interest paid by the corporation to that day as though the conversion had not been effected: PROVIDED, That any person who was a depositor of the bank shall be entitled, at any time within sixty days after the conversion was consummated, to withdraw the value of his deposits as though no conversion had taken place.

NEW SECTION. Sec. 8. All mortgages, notes, and other securities of any bank that has been converted into an association shall, on request of the association, be delivered to it by the supervisor of banking or, under this direction, by any trust company or other depository having possession thereof. The guaranty fund of the bank shall become the contingent fund of the association. If the association is a state association it shall, as soon as practicable and within such time and by such methods as the supervisor of savings and loan associations may direct, cause its organization, its securities and investments, the character of its business, and its methods of transacting the same to conform to the laws applicable to state associations.

NEW SECTION. Sec. 9. Upon a conversion being consummated all assets, rights and properties of the bank shall vest in and be the property of the association and all liabilities, debts, and obligations of the bank shall be the liabilities, debts, and obligations of the association and any right can be enforced by or against the association the

same as it could have been enforced by or against the bank if the conversion had not occurred.

NEW SECTION. Sec. 10. Within twelve months following consummation of the conversion, the directors of a state association shall call a meeting of the shareholders for the purpose of electing directors and conducting such other business of the association as is appropriate. Notice of such meeting shall be mailed not less than ten nor more than thirty days in advance of such meeting to the last known address of each shareholder. Such notice may also include a proxy form authorizing any one or more persons, who may be directors or officers of the association, selected by the directors, to vote on behalf of any shareholder executing such proxy.

NEW SECTION. Sec. 11. If the bank specifies in the resolution that it intends to become a federal association it shall proceed to make all filings and do all things which are required by federal laws and regulations to qualify as and become a federal association, and when all such things have been accomplished and a charter has been issued by the appropriate federal agency, the bank shall thereupon cease to be a mutual savings bank organized under the laws of this state.

NEW SECTION. Sec. 12. Sections 1 through 11 of this act shall constitute a new chapter in Title 33 RCW."

MOTION

On motion of Senator Mardesich, Senate Bill No. 2467, together with the pending amendment moved for adoption by Senator Clarke, was ordered placed at the end of today's second reading calendar.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of Senate Bill No. 2904.

SECOND READING

SENATE BILL NO. 2904, by Senators Goltz, Wanamaker and Jolly:
Amending laws relating to the dairy commission and dairy products.

REPORT OF STANDING COMMITTEE

April 4, 1975.

SENATE BILL NO. 2904, amending laws relating to the dairy commission and dairy products (reported by Committee on Agriculture):

MAJORITY recommendation: Do pass with the following amendments.

On page 2, line 32, after "years or" and before "such" insert "until"

On page 2, line 33, after "successor is" and before "appointed." insert "duly"

On page 5, line 17, after "commission" and before the period insert ": PROVIDED, That the requirement of this section for reasonable equal representation of each producer on the commission need not require an equality of representation when the commission districts east of the crest of the Cascade mountains are compared to the commission districts west of the crest of the Cascade mountains: PROVIDED FURTHER, That the area east of the crest of the Cascade mountains shall comprise not less than two commission districts"

Signed by: Senators Jolly, Chairman; Benitz, Day, Sellar.

The bill was read the second time by sections.

On motion of Senator Jolly, the committee amendments were considered and adopted simultaneously.

On motion of Senator Jolly the rules were suspended. Engrossed Senate Bill No. 2904 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. 2904, and the bill passed the Senate by the following vote: Yeas. 43; nays. 1; excused. 5.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Goltz, Gould, Guess, Henry, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Morrison, Murray, Newschwander, North, Odegard, Peterson, Pullen, Ridder, Sandison, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—43.

Voting nay: Senator Grant—1.

Excused: Senators Francis, Herr, McDermott, Rasmussen, Scott—5.

ENGROSSED SENATE BILL NO. 2904, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

At 10:40 a.m., the Senate members retired to the House Chamber to meet in Joint Session for the purpose of a Message from the Governor pursuant to House Concurrent Resolution No. 28.

JOINT SESSION

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

The Speaker invited the Senators to seats within the House and instructed the Sergeants at Arms of the Senate and the House to escort President Cherberg, President Pro Tempore Henry and Vice President Pro Tempore Keefe of the Senate to seats on the rostrum beside the Speaker.

The Speaker turned the gavel over to the President of the Senate.

The Secretary of the Senate called the roll of the Senate, and all members were present except Senators Francis, Herr, McDermott, Rasmussen and Scott, who were excused.

The Clerk called the roll of the House and all members were present except Representative McCormick, who was excused.

The President of the Senate appointed Representatives Bauer, May and Lee; and Senators Washington, Pullen and Jolly as a committee to notify the Governor that the House and Senate were in Joint Session and were ready to receive his message.

The President of the Senate appointed Representatives Peterson, Dunlap and McKibbin; and Senators Peterson, Gould and Wilson to escort the elected state officials to seats within the House Chamber.

The Sergeant at Arms of the Senate and House announced the arrival of Governor Daniel J. Evans at the bar of the House, and the President requested the committee to escort him to a seat on the rostrum.

The President: "Honored and esteemed members of the Senate and House, ladies and gentlemen, it is the Lieutenant Governor's pleasure and privilege to present to you the Honorable Daniel J. Evans, Governor of the State of Washington."

Governor Evans: "Governor Cherberg, Mr. Speaker, ladies and gentlemen of the legislature; citizens and taxpayers:

My message today is short. I have asked to speak today not only to you who represent the people but to the citizens of the state directly. We have experienced much in our state during the past decade—urban turmoil and economic boom followed by aerospace recession. We have shared with all people in the nation our share of the shame of national political power abuse, the dislocation of energy shortages, and the tragedy of economic downturn. Washington State has survived each of these crises remarkably well and today we stand stronger and more able than virtually any state of this nation.

To effectively face the future, however, we first must know better our own history and our present strengths. State tax growth in Washington State during the past ten years has been slower than any other state in the nation. In state and local taxes combined our growth has been 44th out of the 50 states of the nation. Total tax burdens and property tax burdens in Washington State are today below the national average. Our welfare caseload is a little more than half the national average and our error and fraud rate is among the lowest in the nation. Washington is nationally recognized for the care

of its disabled and troubled, and ranks first in the nation in the response of citizen volunteers to public needs.

We enjoy a distinguished system of higher education. Our common school system produces graduates who compete exceptionally well in nationwide tests and the average educational attainment of Washington citizens is among the highest in the nation—in fact, second just behind Utah.

In recent months two national surveys were published measuring the quality of life in our nation. In the first of these the 50 states were measured one against the other with over a hundred separate measurements of life quality. Washington State ranked in the top three. Recently Harper's Magazine conducted a similar survey of the 50 largest cities of the nation, again measuring more than a hundred elements of quality of life. The City of Seattle was first of the 50. Now we all take a great deal of pride in those measurements. We like to read about the high quality we have achieved in competition with our neighbors in other cities and in other states. But too seldom do we remember that those measurements of quality are pretty basically the measurements of our willingness to invest in public investments and to make those public investments in a wise and prudent way. The quality of life depends pretty heavily on the kind of educational system we have, our quality of health care, and what recreational opportunities are open to people, the environmental quality of our area, and the opportunity of people to earn and to live in a prosperous society. We are proud of what we have done. Let us not today destroy it.

Why repeat all of these facts? Well, it is because the scandals of failure and corruption and abuse of power fill our front pages. And I think it is long past the time that this 'scandal of excellence' gets equal billing.

But today another crisis faces us; perhaps not unexpected really, but stunning in its suddenness. For the past two weeks thousands of concerned students, parents and teachers have personally visited Olympia to ask me and to ask you the direct question, 'How are you going to lead?' and 'What are you going to do?'

Let no one be misled. This crisis is real. Six thousand lay-off notices have been issued, the equivalent of a major industrial plant in this state. And perhaps if it had been a major industrial plant there would have been either greater citizen concern and perhaps even faster governmental response. But six thousand lay-off notices have been issued, scores of schools are scheduled to close, a quarter of a million students face a new school year of shattered programs, overcrowded classrooms, and destroyed opportunities.

It is easy to point the finger of blame. Some point at me. Some point at the legislature. Some point at school administrators. Some point at the teachers. Some point at callous voters. I believe all are wrong.

The measure of the trial through which we now pass will not be our skill at escaping blame but our ability to find the best and the right solution.

I believe the legislature has tried. Twice in five years tax reform has been placed before the voters in an attempt to resolve the problem of basic school finance. Six times in twelve years in one way or another the legislature has by two-thirds vote adopted proposed constitutional amendments to ease the problem of school finance. Five out of six times those proposals were turned down. School administrators by and large have been attempting to operate with creaky and uncertain finances. Teachers, I believe, are producing basically good graduates who compete well. I mentioned earlier that educational attainment is high in this state. In recent years when we still had a military draft, the number of failures on a nationwide test of your men from the State of Washington was lower than the failure from any other state in the country. Students from this state compete exceptionally well in national merit scholar tests and other similar measurements of educational skills. Voters have patiently over the years supported increasing burdens until those burdens simply grew beyond control.

And this legislature and this governor face the challenge of response to crisis now — during this session — to give hope to those quarter of a million students or to turn our backs because our district wasn't directly affected, because we promised no new taxes, or simply because we just don't care.

I propose to you now a four part program designed to resolve our immediate

problem and to initiate steps toward a permanent financial solution for school support. This program will require everyone to sacrifice a little. It will require administrators to manage more efficiently; this was a clear call of the voters during recent special levy elections and in hundreds of letters I have received since that time. I am confident, given the help and direction both of this legislature and of skilled citizens, administrators can manage more efficiently. This solution may very well require teachers to accept some small reduction in their ranks. Unpleasant perhaps, but it is likely to happen. There are lay-offs in other parts of government. There are lay-offs in other parts of industry. And we cannot expect given the difficult economic time in which we are now passing that education will be completely exempt from that process. Students will have to sacrifice a little. Students are going to have to help us find ways of lowering educational costs through better care of the physical facility which they all use. I hope students will turn to the task of helping to discover better ways in which to carry on the essential elements of common school education and to lower costs in doing so. A sacrifice is required of taxpayers to plow back a portion of property tax savings into more assured school support. And perhaps most of all, the sacrifice of this legislature to provide the leadership, the courage, and the votes now to resolve this crisis.

A first and most urgent element is state revenue — state revenue to support 75 percent of the special levy requests made for school year 1975-76. This would reduce budget losses during the next school year to manageable proportions while still requiring school districts to live within tighter limits, and in doing so to so respond to taxpayer wishes.

In school districts where levies have passed, 75 percent of such levies would be rolled back and replaced by state revenues so those residents would share in property tax reductions and still not lose the benefits of already assured school budgets. Special provisions would be made for districts with especially low per pupil dollar support.

Now I am confident that this proposal for a major portion of special levy requests but not all might not meet favor with some groups, particularly some of those representing the teachers of our state. They may believe that it is inadequate. But only if we are realistic is there any hope of a reasonable solution and only if we are realistic in what we ask for should any group have any real influence with a legislature.

Secondly, revenue required to accomplish this emergency aid for the next school year will be approximately \$155 million.

A \$31 million portion of this can come from increased per pupil guarantees already proposed for the 1975-76 school year budget as proposed by me and as passed by the House of Representatives. The remainder will require a temporary increase of 0.6 percent in the state sales tax, a 10 percent increase in the Business and Occupation tax, and a 10 percent surcharge on utilities. This revenue package retains the same balance in taxation between business and the individual as is represented by property tax reduction.

And let me reemphasize. This revenue increase of \$127 million during the next fiscal year is matched against corresponding property tax reductions of \$177 million.

Even after this proposal to gain necessary support for our schools for the next fiscal year, there will still be a \$50 million net bonus in terms of taxes on our citizens. In individual terms, a family of four living in a \$25,000 home, this family of four at the average family income in the State of Washington, will receive an average property tax reduction of \$108 during this next school year and will pay \$47 more in state sales tax.

The third element of this package — to avoid a repetition of this crisis — will require the best of all of us. I call for the joint executive and legislative appointment of a broadly based citizen task force to seek alternatives for permanent, guaranteed basic school financial support. This group should seek maximum citizen input and be prepared to report back to a legislative session in September, 1975 to allow preparation of those alternatives for a citizen vote in November, 1975. Any alternative chosen in November ought to be sufficient to handle the basic needs of education for the school year 1976-77 and for the years to come.

Fourth, and perhaps most important, financial certainty is simply not enough. I believe we can improve educational management and give more specific direction to

those who govern our school systems. The citizen message is clear. The price for basic financial support of education is educational excellence and prudent management.

The proposed citizen task force and the legislature should give close attention to this major challenge. And I do suggest that there be a dual request of this citizen task force to seek the alternative for permanent financial solution and at the same time to look broadly at the potential for better educational direction and a more fundamental understanding of what constitutes basic and supportable education.

Under the leadership of the Superintendent of Public Instruction and with the cooperation of the Association of Washington Business, a thorough management analysis of our school system has just been completed. I am confident that the results will assist greatly in this task of better school management.

During the past several weeks I have received many additional suggestions of this nature. They include: Merit pay; accountability and measurement of achievement in the basics of education; tougher accreditation standards for schools and better enforcement of those standards; a uniform accounting and information base for all schools so that we may all know better what really is going on in education; extended contracts for teachers to allow extra days for teacher preparation and continuing in-service training; a probationary period for new-hires in our educational system; the continuing contract law not applying to administrators in respect to their administrative positions but rather holding those positions as administrators on the basis of a job well done; reduction in force policies conducted on other than simply seniority basis; more efficient transportation and purchasing policies throughout the state; regionalization and consolidation of some educational or educational management functions.

Now not all of these suggestions may be practical or even desirable. And they are certainly not all inclusive. But they speak loudly of a citizen demand for good management and good education. And the two should not be incompatible.

While these proposals are specific, I am prepared to work with this legislature and each member of the legislature on other practical alternatives to resolve this problem, keeping in mind four basic requirements:

- (1) That we do resolve the immediate financial need.
- (2) That we do provide real money for this immediate need.
- (3) That we do set in motion a means of reaching a permanent solution.
- (4) That we seek out methods of improving educational management.

Too seldom do any of us go back and look at the basic document of government under which we govern. The Constitution of Washington State in Article IX, Section 1 states:

'It is the paramount duty of the state to make ample provision for the education of all children residing within its borders, without distinction or preference on account of race, color, caste, or sex.'

That constitutional provision was written into our Constitution in 1889. We have all taken the same oath on assuming office which includes the words to promise to 'uphold the Constitution and the laws of the State of Washington.' The words of Article IX are clear and unmistakable. There can be no misunderstanding.

The time is now to turn that constitutional rhetoric into reality.

I cannot believe that we will pass a budget inadequate to meet these needs, and adjourn without facing this issue. I could not and will not support such a course.

Let not the shame of inaction follow anyone from these halls, but rather the gratitude of our next generation given a renewed opportunity by thoughtful and courageous public servants.

Thank you."

The President of the Senate requested the escort committee to escort Governor Evans from the House Chamber.

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

MOTION

On motion of Mr. Charette, 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 of the Senate and the House to escort President Cherberg, President Pro Tempore Henry and Vice President Pro Tempore Keefe from the House Chamber.

SECOND MORNING SESSION

The President called the Senate to order at 11:30 a.m.

SECOND READING

SENATE BILL NO. 2833, by Senators Wanamaker, Jolly, Beck and Sellar:
Relating to railroad grade crossing protective devices.

MOTIONS

On motion of Senator Bottiger, Substitute Senate Bill No. 2833 was substituted for Senate Bill No. 2833, and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Morrison, the following amendment was adopted:

On page 3, line 13, after "system" and before the period insert ": *PROVIDED FURTHER, That whenever the unobligated balance in the grade crossing protective fund available for the installation of grade crossing protective devices is reduced to \$100,000 in any biennium, the above provisions for reducing the appropriation from said fund and the transfers back to the motor vehicle fund shall be suspended and the \$100,000 remaining in the grade crossing protective fund shall remain available for expenditure as authorized by appropriation.*"

Senator Bottiger moved adoption of the following amendment:

On page 3, line 34, after "installation." strike the balance of the section and insert "Maintenance of such devices shall be apportioned by the commission:

(1) Twenty-five percent to the grade crossing protective fund, created by RCW 81.53.28; and

(2) Seventy-five percent to the railroad."

Debate ensued.

POINT OF INQUIRY

Senator Wilson: "Would Senator Bottiger yield? This bill is really whistling along, Senator, and I do not understand and I expect a large proportion of the membership really does not understand how railroad crossing signal devices are now financed and what effect this bill would have on the subject and what effect this amendment would have on the subject, and I would say that a more detailed explanation than might be available in the caucus would be highly desirable at this point; but since I rose to ask you a question, it relates to the first phrase in the digest, 'requires local or state matching funds,' etc., and the nature of my question is, what effect, if any, are we having on local government with respect to whatever responsibilities it may have for railroad grade crossings within its jurisdiction?"

Senator Bottiger: "Senator Wilson, between Senator Wanamaker and me, I do not know what I could add to clarify the issue. I am sure that we confused you. As Senator Morrison said, it is quite complicated, but at the present time we appropriate from the motor vehicle fund to the grade crossing protective fund five hundred thousand dollars a biennium plus our share of the maintenance on all of the railroad crossing devices which could include just the crossbars or the flashing light or even an overpass. From that fund, if a local unit of government or the railroad applies for a grade crossing protective device, the fund administered by the Utilities and Transportation Commission will pay its share. I will yield to Senator Wanamaker."

Senator Wanamaker: "I am sorry, Senator Bottiger, but your figures are a little wrong. They make application to the Utilities and Transportation Commission, a local

entity, a city or a county, that they need a grade crossing in a particular area. If it is approved by the Utilities and Transportation Commission, sixty percent of the cost of installation is paid for out of this fund, out of this five hundred thousand dollars. Thirty percent is paid by the city or county, whichever requests that they have a crossing in their particular area, and ten percent by the railroad.

"Now under this bill, using federal funds, we are saying, if it is eligible for federal funds which is on a ninety-ten basis, ninety percent federal money, ten percent local, nothing comes out of this fund except we have requested that sixty percent, their original put in, would go back to the highway fund; but it is ninety percent of federal funds and ten percent of the local funds. The railroad pays nothing."

Senator Bottiger: "Senator Wilson, the effect of this bill is now that the railroads and the fund have been relieved, in a sense, of this liability, how shall we share the maintenance cost?"

Senator Wanamaker: "Under the maintenance, if we used the state funds, the five hundred thousand dollars as it is now and has been in the past, the railroad pays seventy-five percent of the maintenance, twenty-five percent of the maintenance comes out of this railroad grade crossing protective fund. Under the bill, what we are asking is that if it is done with federal money, that ninety percent comes from federal, ten percent from the local entity, and the railroad pays nothing, then that the railroad should assume the full amount of the maintenance on that grade crossing. What Senator Bottiger's amendment would do would put it back that the railroad only pays seventy-five percent, the same as they do when we are using state funds, and there would still have to be twenty-five percent come out of this grade crossing protective fund."

POINT OF INQUIRY

Senator Wilson, "Would Senator Wanamaker yield? What effect, if any, would this bill have on the fiscal obligations of local government, either with respect to the construction of, improvement of or maintenance of railroad grade crossing within its jurisdiction?"

Senator Wanamaker: "Under this bill, maybe I should say that under the present time, under the grade crossing protective fund, the city or county whichever is asking for this crossing, would have to put up thirty percent of the cost. Under this bill, using federal money, they would only have to put up ten percent. In other words, they are better off under this bill than what they would be under the grade crossing protective fund."

Senator Morrison: "Mr. President and ladies and gentlemen of the Senate, just to back up Senator Wanamaker, that is entirely accurate that the impact, Senator Wilson, on your local community is actually going to be less than it would be under the present procedure, if in fact all the nuts and bolts go together to qualify for the federal funding. I am going to, however, agree with Senator Bottiger on his proposed amendment. As I have looked at the figures, it seems to me that there is an absolute wash, that it just balances out. The request to the railroads in this particular case does not reduce really their obligation. However, there are two different sets of figures floating around. Even if the other set that Senator Wanamaker alluded to first were true, the long range impact is not that great and I personally would like to support the amendment as proposed by Senator Bottiger as being the fairest approach to the maintenance of these grade crossings."

The motion by Senator Bottiger carried and the amendment was adopted.

MOTION

On motion of Senator Mardesich, Substitute Senate Bill No. 2833, as amended, was ordered held on the second reading calendar.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of Senate Bill No. 2417.

SECOND READING

SENATE BILL NO. 2417, by Senators Odegaard, Sandison, Donohue, Woody, Mardesich, Lewis (Harry), Peterson, Sellar, Bottiger, Guess, Talley, Newschwander, Henry and Walgren:

Repealing the forest practices act.

The bill was read the second time by sections.

On motion of Senator Peterson, the rules were suspended, Senate Bill No. 2417 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 Bailey: "I would like to ask Senator Peterson a question. Senator Peterson, I favor the repeal of this act but rather than make it a cruel hoax on some of the loggers and people who think we are achieving something, I wonder what will be the result of the impact on the logger if we repeal the act in this legislature and the Governor vetoes the act and we go home with the same law in effect that now exists. Of what value is repealing that act right at this time?"

Senator Peterson: "Senator, you answered your own question. If we pass it through the legislature and the Governor vetoes it, obviously we have not perhaps gained much other than the fact that the legislature will be in effect recognizing the serious problem that does exist, and if the Governor wants to take the blame for putting this hardship on the logging industry, that is the place to put it, not in this body."

REMARKS BY SENATOR BAILEY

Senator Bailey: "Mr. President, I wanted this on the record because while I favor the repeal of it, I think we should do something to streamline the measure so it is not the onerous thing that we passed. I wanted it clear to the people who think that we are doing something that we actually may be doing nothing and I just thought it was unfair that the act that we are going to take today, and I intend to support it, may result in absolutely no action whatsoever and therefore it could be very detrimental. I had hoped that maybe Senator Peterson had been able to work out some amendments to the bill, but it appears that the amendments are not workable. They will not meet with Senator Peterson or they will not agree to the amendments. Maybe this might serve as a message to someone that we do want some action in streamlining the Forest Practices Act and I intend to support the repeal."

Further debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2417, and the bill passed the Senate by the following vote: Yeas, 35; nays, 12; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bottiger, Buffington, Clarke, Day, Donohue, Goltz, Guess, Henry, Herr, Jolly, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Matson, Morrison, Newschwander, Odegaard, Peterson, Pullen, Rasmussen, Sandison, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Wilson, Woody—35.

Voting nay: Senators Bluechel, Cunningham, Fleming, Gould, Grant, Jones, Marsh, McDermott, Murray, North, Ridder, Washington—12.

Excused: Senators Francis, Scott—2.

SENATE BILL NO. 2417, having received the 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 Peterson, Senate Bill No. 2417 was immediately transmitted to the House.

MOTION

At 12:20 p.m., on motion of Senator Mardesich, the Senate recessed until 1:15 p.m.

AFTERNOON SESSION

The President called the Senate to order at 1:15 p.m.

The President declared the Senate to be at ease.

The President called the Senate to order at 1:40 p.m.

There being no objection, Senator Donohue was excused.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of Senate Bill No. 2724.

SECOND READING

SENATE BILL NO. 2724, by Senators Henry, Van Hollebeke and Scott:
Authorizing political subdivisions to license vehicle dealers.

MOTIONS

On motion of Senator Henry, Substitute Senate Bill No. 2724 was substituted for Senate Bill No. 2724, and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Henry, the rules were suspended, Substitute Senate Bill No. 2724 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. 2724, and the bill passed the Senate by the following vote: Yeas, 42; nays, 1; absent or not voting, 4; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Goltz, Gould, Guess, Henry, Herr, Jolly, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Pullen, Rasmussen, Ridder, Sandison, Scott, Selar, Stortini, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Wilson, Woody—42.

Voting nay: Senator Grant—1.

Absent or not voting: Senators Fleming, Jones, Peterson, Walgren—4.

Excused: Senators Donohue, Francis—2.

SUBSTITUTE SENATE BILL NO. 2724, having received the 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 Mardesich, the Senate commenced consideration of Senate Bill No. 2258.

SECOND READING

SENATE BILL NO. 2258, by Senators Walgren, Odegaard, Washington, Gould and North:

Screening certain school children in order to identify any children with specific learning disabilities.

MOTIONS

On motion of Senator Odegaard, Second Substitute Senate Bill No. 2258 was substituted for Senate Bill No. 2258, and the second substitute bill was placed on second reading and read the second time in full.

On motion of Senator Odegaard, the rules were suspended, Second Substitute Senate Bill No. 2258 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Stortini: "Will Senator Odegaard yield to a question? Senator, as you say, the fiscal impact is down around forty-two thousand. That is for just the screening, the testing, the material. How about in the future though? Once these young kids in the first grade have been screened, will they need future money to handle those problems that they have found through the screening program itself?"

Senator Odegaard: "Yes, they will, and that will be our decision next February 1st when the report is given to us on the number of these kids and be our decision then what we would want to do about taking care of the problem. We are presently serving about six thousand children in the state in the language disability problem, and we have money in the budget for that particular problem. The Governor has proposed six point one million dollars for each year of the next biennium for language disability children. This takes care of one-third of the children in the state, according to the programs presently going on. Since this is a handicap, it is one of those handicaps that can be overcome and we get these people back in society and making a good living and contributing their taxes and so forth, it will pay back triple fold or more, and we will have that before us next session to look at and it will be our decision how much we want to put into it, but we will have good information to go on that we are lacking full information at this time."

POINT OF INQUIRY

Senator Gould: "Will Senator Odegaard yield to a question? As I recall, the original bill when it came to committee was directed toward helping individual teachers know which of their students were identified with learning disabilities. In reading the substitute, it seems that this information would not be available to teachers or to parents, but only comes directly to the legislature via the SPI. Is this the intent now of the bill?"

Senator Odegaard: "The report from the information that is developed would come from the SPI to then Education and the Ways and Means Committees of both Houses of the legislature."

Senator Gould: "What then was the purpose in not having the information available to the teachers or to the parents?"

Senator Odegaard: "That information would be available to them if they wanted it. We wanted to be sure it got to the legislature, had to make the decision on the funding and how far we wanted to go. There is no reason why it would not be available to anybody else, too. In fact, it should be."

Senator Gould: "Fine. Thank you."

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 2258, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Fleming, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—47.

Excused: Senators Donohue, Francis—2.

SECOND SUBSTITUTE SENATE BILL NO. 2258, having received the 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 Mardesich, the Senate commenced consideration of Engrossed Substitute Senate Bill No. 2855.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 2855, by Committee on Higher Education (originally sponsored by Senators Newschwander, Walgren, Sandison and Peterson):

Excluding certain community college faculty appointments from rights relating to tenure.

Debate ensued.

POINT OF INQUIRY

Senator Fleming: "Would Senator Newschwander yield to a question? Senator Newschwander, from the information that you have gathered, is it the intent that the present situation as far as these special programs are concerned, most of the individuals working in those programs are faculty members as such and that by passing this bill you would not be affecting those people, but if new ones were to come on, you might be affecting them if this portion of the budget language did not pass?"

Senator Newschwander: "I think you are correct as far as I understand the question. The problem, to begin with, it was state generated money and these people had tenure and there was federal money and sometimes state money outside of the formula that we appropriate to the community colleges, and previously the money that was outside the formula which includes the vets and some minority programs, yes, would be affected by this bill. So the proposal before Ways and Means — I cannot say whether it is going to pass or not, if it did then there would be no problem, but the money that is in there for minorities now is under the student program and would fall within the formula money so you would not be affected by this bill, is the way I understand it."

Senator Fleming: "Thank you."

POINT OF INQUIRY

Senator Fleming: "Would Senator Sandison yield to a question? Senator Sandison, is it your understanding also that if the language in the proposed budget did not pass, there would virtually be no effect on the present programs as they are now because by the fact that the people that are teaching in these programs, these special programs, are already faculty members?"

Senator Sandison: "Yes, but let me point out there are some people hired merely to teach in these military programs. Also, there are other people who are funded outside of the formula for such things as veterans' counselors, particularly when the bonuses were up. There are other things such as people working on a computer program who are brought in ad hoc for this thing; so to get back to your original question, anytime these people have been brought in in the past, there was no intention to give them tenure. Any faculty person who had been working or who had tenure would not be affected."

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 2855.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2855, and the bill passed the Senate by the following vote: Yeas, 44; nays, 2; absent or not voting, 1; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Goltz, Gould, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Wilson, Woody—44.

Voting nay: Senators Fleming, Grant—2.

Absent or not voting: Senator Odegaard—1.

Excused: Senators Donohue, Francis—2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2855, having received the 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 Lewis (Harry): "Members of the Senate, I have just had distributed to you a resolution that I happen to think is meritorious. We have been trying over the years to establish a definition of basic education. In giving this we have spent upwards of half a million dollars in special study commissions who have been unable to resolve the issue. We have suggested in this resolution that we need a starting point. This resolution does not necessarily mean that what we receive is what we will accept, but it provides that the Superintendent of Public Instruction who is vested with the constitutional responsibility for supervision of the common school system, provide this legislature with a definition of what this basic education is by a time certain, June 1, 1975. To this end, it provides that a definition should contain lists of the specific areas of instruction, programs and services which are within basic education and without basic education. Now I am bringing this to your attention. I merely ask you to consider this. I do not propose to try to run the resolution today, but I think it is worth your thoughts and we appreciate your advice and perhaps we can consider it tomorrow. I wanted to bring it to your attention so that you could read it and think about it over the evening."

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

MESSAGE FROM THE HOUSE

April 21, 1975.

Mr. President: The Speaker has signed HOUSE BILL NO. 377, and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:
HOUSE BILL NO. 377.

MOTION

At 2:07 p.m., on motion of Senator Mardesich, the Senate adjourned until 9:45 a.m., Tuesday, April 22, 1975.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

FORTIETH DAY**MORNING SESSION**

Senate Chamber, Olympia, Tuesday, April 22, 1975.

The Senate was called to order at 9:45 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senator Donohue.

On motion of Senator Knoblauch, Senator Donohue was excused.

The Color Guard, consisting of Pages Annbeth Eschbach and Robert Borley, presented the Colors. Reverend Arthur I. Anderson, pastor of Gloria Dei Lutheran Church of Olympia, offered the following prayer:

"WHERE THERE IS NO VISION, PEOPLE PERISH. GREAT AND GRACIOUS LORD GOD, WHO INHABITS ETERNITY AND YET DELIGHTS TO DWELL WITHIN THE CONFINES OF THE CONTRITE HUMAN HEART, DELIVER US FROM MYOPIA AND TUNNEL VISION. IN THESE TIMES OF COMPLEXITY AND PERPLEXITY, GIVE US EYES WIDE OPEN TO YOUR MERCY, TO YOUR MIGHT AND TO OUR MISSION. HELP US TO SEE THAT PASSING THE BUCK IS AS OLD AS EDEN AND AS INEFFECTUAL. GIVE US THE MATURITY TO ACCEPT RESPONSIBILITY: BUT ALSO TO REALIZE THAT TO ACHIEVE SUCCESS IS TO RESPOND TO YOUR ABILITY. FOR APART FROM YOU, OUR EFFORTS IN THE END AMOUNT TO SHADOW BOXING.

"ENLIGHTEN, INSPIRE, ENABLE THE MEMBERS OF THIS LEGISLATIVE BODY THIS DAY TO HEW TO THE LINE OF YOUR WILL AND PURPOSE AND LET THE CHIPS FALL WHERE THEY MAY. THROUGH JESUS CHRIST, OUR LORD. AMEN."

MOTION

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

REPORT OF STANDING COMMITTEE

April 21, 1975.

SENATE BILL NO. 2363, changing the board of prison terms and paroles (reported by Committee on Rules which recommends that Senate Bill No. 2363 be referred to the Committee on Ways and Means):

Signed by: Lieutenant Governor John A. Cherberg, Chairman; Senators Bailey, Bottiger, Clarke, Guess, Henry, Herr, Keefe, Lewis (Harry), Mardesich, Marsh, Matson, Newschwander, Talley.

Referred to Committee on Ways and Means.

MESSAGES FROM THE HOUSE

April 21, 1975.

Mr. President: The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 206,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 862,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 863,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 864,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 865,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 866, and the same are herewith
transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

April 21, 1975.

Mr. President: The House has passed:
SENATE BILL NO. 2127,
ENGROSSED SENATE BILL NO. 2384,
ENGROSSED SENATE BILL NO. 2402, and the same are herewith transmitted.
DEAN R. FOSTER, Chief Clerk.

INTRODUCTION AND FIRST READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 206, by Committee on Ways
and Means (originally sponsored by Representatives Bagnariol, Flanagan, Shinpoch and
Pardini) (by Executive request):

Adopting the capital budget.

Referred to Committee on Ways and Means.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 862, by Committee on Ways
and Means (originally sponsored by Representatives Bagnariol and Shinpoch):

Adopting a budget for the superintendent of public instruction.

Referred to Committee on Ways and Means.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 863, by Committee on Ways
and Means (originally sponsored by Representatives Bagnariol and Shinpoch):

Adopting the budget for the department of social and health services.

Referred to Committee on Ways and Means.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 864, by Committee on Ways
and Means (originally sponsored by Representatives Bagnariol and Shinpoch):

Adopting a budget for the institutions of higher education.

Referred to Committee on Ways and Means.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 865, by Committee on Ways
and Means (originally sponsored by Representatives Shinpoch and Bagnariol):

Adopting a budget for the community colleges.

Referred to Committee on Ways and Means.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 866, by Committee on Ways
and Means (originally sponsored by Representatives Shinpoch and Bagnariol):

Adopting a budget for state agencies.

Referred to Committee on Ways and Means.

MOTIONS

On motion of Senator Peterson, Senate Bill No. 2954 was ordered placed at the
end of the second reading calendar for Thursday, April 24, 1975.

On motion of Senator Mardesich, Senate Joint Resolution No. 114 was ordered to
hold its place on the second reading calendar for Thursday, April 24, 1975.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of Senate
Bill No. 2618.

SECOND READING

SENATE BILL NO. 2618, by Senator Rasmussen:
Relating to public contracts.

MOTIONS

On motions of Senator Rasmussen, Substitute Senate Bill No. 2618 was substituted for Senate Bill No. 2618 and the substitute bill was placed on second reading and read the second time in full.

Senator Fleming moved adoption of the following amendment:

On page 2, following line 6, insert:

"(6) "Small business consultant" means an applicant whose application includes a sworn statement showing that the gross income of the consulting business for the preceding calendar year was less than one hundred thousand dollars;

(7) "Minority consultant" means an applicant whose application includes a sworn statement showing that at least fifty-one percent of the consulting business is owned and the actual consultant work is performed by minority group members which includes but is not limited to Blacks, women, Native Americans, Asian-Americans, Eskimos, Aleuts, and Spanish-Americans."

POINT OF ORDER

Senator Guess: "Mr. President, having studied the bill for almost two years and having gone into this thing with a great deal of depth and not believing we can do all things for all men under one deal and that we should take each portion of the job at a time, I do hereby raise scope and object on the amendment offered by Senator Fleming on Substitute Senate Bill No. 2618."

MOTIONS

On motion of Senator Rasmussen, Substitute Senate Bill No. 2618, together with the amendment by Senator Fleming and the Point of Order raised by Senator Guess, was ordered held following recess.

On motion of Senator Woody, Senate Bill No. 2480 was ordered held for consideration following recess.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of Senate Bill No. 2491.

SECOND READING

SENATE BILL NO. 2491, by Senators Pullen, Beck and Grant:

Prescribing penalties for a false application relating to licenses issued by the department of fisheries.

MOTIONS

On motion of Senator Peterson, Substitute Senate Bill No. 2491 was substituted for Senate Bill No. 2491 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Peterson, the rules were suspended, Substitute Senate Bill No. 2491 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

On motion of Senator Knoblauch, Senator Donohue was excused.

POINT OF INQUIRY

Senator Rasmussen: "Will Senator Peterson yield to a question? Senator Peterson, the question has come to my mind since we had this bill in committee in the way the amendment reads, 'every owner or operator of a vessel convicted of making a false ap-

plication for a gear license shall become ineligible for any license during that calendar year and any license previously issued for the calendar year in which the conviction takes place shall be void and of no further force and effect.' This would in effect put the person completely out of being able to do any type of work in the fishing industry. Is this correct?"

Senator Peterson: "That is correct, Senator."

Senator Rasmussen: "Now, can you see where the person could make a mistake and then be out of work for the entire year?"

Senator Peterson: "I suspect that this is probably true. However, I think we have to bear in mind the fact that this legislative body in its wisdom in the past few years has endeavored, at least in some small manner, to protect our fishing resources in the effective gear limitation, and I feel personally and I think it was the feeling of the majority of the committee that we had to take this step in order to preclude obvious and wilful violations; and I think that this is the way it is and this is the way it should be, because a man has a multiple license, if he willfully and the bill states 'willfully', makes false application for license, then he is to be denied a license for that calendar year or fishing year. I do not think this is too harsh. I think it is good legislation."

Senator Rasmussen: "Thank you."

MOTION

At 10:10 a.m., on motion of Senator Bailey, the Senate recessed until 11:57 a.m.

SECOND MORNING SESSION

The President called the Senate to order at 11:57 a.m.

PERSONAL PRIVILEGE

Senator Grant: "Mr. President and members of the Senate, while members were in caucus we had delivered to us a cake from staff, students and families of Park Orchard Elementary School which is in the Eleventh Legislative District. It is on Benson Hill. It is a lovely cake. It is now in the Lieutenant Governor's office. It depicts a school that is partially under construction. It is not an enticement to anyone or a bribe. It is an expression, I think, of the concern of the parents, students and staff of this particular elementary school with the double levy loss. I would like, if I may, to read the little inscription that goes with that cake and invite the members of the Senate to the Lieutenant Governor's office, with his permission, to take a look at what I consider to be a real work of art in this cake."

The President: "Senator Grant, the President believes that the members can read the inscription when they visit the office."

Senator Grant: "Okay, fine. It is also donated by the Fantastic Cake Box and that is a commercial plug for their product."

THIRD READING

SUBSTITUTE SENATE BILL NO. 2491, by Committee on Natural Resources (originally sponsored by Senators Pullen, Beck and Grant):

Prescribing penalties for a false application relating to licenses issued by the department of fisheries.

The Senate resumed consideration of Substitute Senate Bill No. 2491 on third reading.

POINT OF INQUIRY

Senator Bailey: "Would Senator Peterson yield? Senator Peterson, I am concerned about a couple of words in that last paragraph in which it says 'for any gear license' on line 18, and then a little later the word 'any' is in two different places in line 18; 'be ineligible for any gear license during that calendar year and any gear license previously is-

sued for the calendar year'. My concern is this, that the department could conceivably pick someone up and have them convicted as violating the law and then maybe in gill netting or trolling or something like that and then turn around and take away all of their licenses which might be crabbing or something that is not in the same line but which means their livelihood, and I just wonder if this does not give the department unlimited possibilities."

Senator Peterson: "Senator Bailey, in response, I think the key to this language that was drafted in the substitute bill lies in the word 'intentionally'. Now if this fisherman has multiple licenses, which many of them do, as you indicate, some of them have crab licenses and gill net licenses and so forth, if he is a legitimate commercial fisherman he is not going to intentionally falsify an application for a license. Now where some of the problem has come into this measure is people who are not even licensed presently are applying illegally, intentionally preparing an application, and I think the safeguard is built in when we specified that he has to be convicted. He does not have to be charged, he has to be convicted of intentionally preparing a false application, and even though what you say is entirely true, if he is a crabber and he is convicted of preparing a false application for a gill net license, yes, he would fall under this and he would suffer the consequences of losing that license for that calendar year."

Senator Bailey: "Senator Peterson, the question I have is something a little different, however. The court finds a person guilty of violating the law. They do not find the person guilty of intentionally violating the law, as a rule, and therefore doesn't this give the department the right, on a conviction, to determine whether there is intentional violation or not and if that is the case I think it gives them a little bit too much authority. Now if we had a crime in the court that said they would have to find them guilty of intentionally making this application wrong, then I think we might be in line with proper judgment, but I think here you will just find the court will find someone guilty of violating the law or doing this. Now, are we assured that the court will use the word 'intentional' in reaching their judgment? This is the point I am trying to get at and I just think that we should return to second reading and have those 'any's' changed to 'such gear license' so that you are doing exactly what you are expecting to do. I sympathize with what you are trying to do but I do not want to see the department given unlimited possibilities here of taking it out and reducing licenses without buy backs or just because they do not like the color of somebody's net."

Senator Peterson: "Senator Bailey, I appreciate the problem that you are alluding to and it really in effect what you would like to do to this bill would take it back to second reading, as I read your remarks, amend it to 'such licenses' or any one particular license rather than all, if he was a multiple license fisherman, rather than exclude his entire package of licenses for that calendar year. We discussed this quite thoroughly in committee, frankly, in coming up with this substitute bill and in the substitute draft, and I would be very frank that we had very little opposition expressed to this language because they felt that in most cases the words 'to have to be convicted' and then 'have to be convicted on the basis that it was an intentional false application,' I frankly would have to adhere to the position that I think we ought to leave the bill the way it is."

Debate ensued.

MOTIONS

On motion of Senator Mardesich, the rules were suspended and Substitute Senate Bill No. 2491 was returned to second reading.

On motion of Senator Mardesich, the following amendment was adopted:

Strike all the material on lines 16 through 20.

On motion of Senator Peterson the rules were suspended, Engrossed Substitute Senate Bill No. 2491 was advanced to third reading, the second reading given 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. 2491, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—48.

Excused: Senator Donohue—1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2491, having received the 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. 2618, by Committee on State Government (originally sponsored by Senator Rasmussen):

Relating to public contracts.

The Senate resumed consideration of Substitute Senate Bill No. 2618 and the following amendment by Senator Fleming on which a Point of Order by Senator Guess had been raised earlier today:

On page 2, following line 6, insert:

"(6) "Small business consultant" means an applicant whose application includes a sworn statement showing that the gross income of the consulting business for the preceding calendar year was less than one hundred thousand dollars;

(7) "Minority consultant" means an applicant whose application includes a sworn statement showing that at least fifty-one percent of the consulting business is owned and the actual consultant work is performed by minority group members which includes but is not limited to Blacks, women, Native Americans, Asian-Americans, Eskimos, Aleuts, and Spanish-Americans."

RULING BY THE PRESIDENT

The President: "In ruling on the point of order by Senator Guess, the President determined that Substitute Senate Bill No. 2618 is a measure which creates a professional review board to review certain applications for professional service contracts with public bodies. The measure sets up the guidelines for the board. The proposed amendments by Senator Fleming includes within the guidelines certain rules which insure that minority consultants and small business consultants as defined in the amendments will have an opportunity to participate in the bidding. The amendment does not grant special privileges but merely clarifies the guidelines to be used by the board.

"The amendment does not change the scope and object of the bill thus the point of order is not well taken."

POINT OF INQUIRY

Senator Lewis (Harry): "Will Senator Fleming yield? Senator Fleming, I was gone when you presented your amendment. Can you tell me the name, is there a minority consultant presently in the state of Washington and if so, who he would be? Is there one?"

Senator Fleming: "Yes."

Senator Lewis (Harry): "Several, are there?"

Senator Fleming: "Yes, Jordon and Avent, architects and engineer; I can go right down the line. There are some and they have never been able to participate in state contracts. As a matter of fact, one tenth of one percent of the contracts awarded by the state go to minorities. Could I go farther on this, Senator Lewis? For your information, as relates to minority consultants and small businessmen, this language that we have here before you is the same language that was in Senate Bill 2143 of Senator Guess's and I felt as though that if it is good to go through these procedures on the local level, what is good for the local people is good for the state level also."

Senator Lewis (Harry): "Thank you."

On motion of Senator Rasmussen, the following amendment to the amendment by Senator Fleming was adopted on a rising vote:

After "members" on line 5 of subsection (7) strike all the matter down to the period on the last line of the amendment.

POINT OF INQUIRY

Senator Guess: "Senator Fleming, look at line 5 and under (7) 'and the actual consultant work is performed by minority group members.' Now there is not a single firm in which all the consulting and all the work is done by the minority."

Senator Fleming: "You are wrong."

Senator Guess: "No, I am not wrong. I will bet you that every one of them in Spokane hires somebody else and they hire whites. Now if they have got a white on their staff, then they cannot do the work. This is what I am trying to get at."

Senator Fleming: "I read that a little different from you, Senator Guess, because that is the same kind of language that is used even when your firms do the work. When you say 'actually done by the firm', the firm is a minority firm and the majority of the work is actually done by minorities."

Senator Guess: "Senator Fleming, it says 'at least fifty-one percent of the consulting business is owned by the minority.' Okay, I will go along with you that far. Now, the 'actual consultant work is performed by minority group members.' Now, this means that you have got to have all of the firms — the group members have got to be all minorities in this thing. Now, Clarence Freeman does not use all minority members. He uses some whites and this would keep him from putting the whites on the work."

Senator Fleming: "Senator Guess, since there might be some question as to what we are trying to do here, I would like to put an oral amendment."

On motion of Senator Fleming, the following amendment to the amendment by Senator Fleming was adopted:

Before "the actual" on line 5 of subsection (7) insert "at least fifty-one percent of"

The motion by Senator Fleming carried and the amendment, as amended, was adopted.

On motion of Senator Goltz, the following amendment was adopted:

On page 2, line 9 after "consultant" insert "in excess of \$2500."

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

On page 3, line 17, after "applicants" and before the semicolon insert "and the appropriateness of selecting minority or small business applicants or consultants which are new to the field or to the particular form of work, and in such cases the public body shall consider the applicant's credentials, work in related fields, association of coventurers or consultants, or other factors which indicate the consultant may reasonably be expected to provide competent services"

Senator Fleming moved adoption of the following amendment:

On page 3, line 28, after "preference" and before the period insert ": PROVIDED, That for projects for which the estimated consultant's fee is less than fifty thousand dollars and greater than twenty-five thousand dollars the authority designated to evaluate applicants shall interview and consider at least one small business or minority consultant if one or more are available from among those consultants submitting applications"

POINT OF INQUIRY

Senator Rasmussen: "Will Senator Fleming yield to a question? Senator Fleming, being one of those minority contractors, by way of never having a contract in my life, what I am concerned about in your amendment is, if I were a contractor or a consultant I would not want to be limited to twenty-five thousand dollars. That is a pretty good fee. That would be at least a two hundred and fifty thousand and you go on up to the fifty thousand. I would say that I would want to be considered for those under, unless you feel that some of your friends would not bid on less than twenty-five thousand."

Senator Fleming: "Senator Rasmussen, in answer to that question, I would like to, if you would accept it and I do not know whether you would accept it or not, I would

like to lower the twenty-five thousand to ten thousand because for ten thousand fee you are talking about a hundred thousand dollar contract and I think that would be a much better area and I would like to lower the limit of your bill to ten thousand and have this amendment from ten thousand to fifty thousand. The amendment does not say that they would not be able to look at contracts under twenty-five thousand. Your bill says that for the purposes of this act, contracts under twenty-five thousand would not be covered by this act, and so all I am saying by this amendment, those contracts that would be covered by this act at least one small contractor or a minority contractor should be considered in that lower area between twenty-five and fifty thousand. Once establishing that, I think the intent is that the department, whichever the agency might be, would have a little more sensitivity toward looking at the small contractor and the minority, and as they develop the competency, they would be considered for the large ones, and if there was an opportunity to give someone a smaller contract I think they would do this, so we did not want to limit them to the contracts under twenty-five thousand because that normally would happen."

Senator Rasmussen: "That was my concern too, that I felt that they should have consideration regardless of size."

Senator Fleming: "I do not think this amendment would have anything to do with it, it has the same purpose as the original bill you had before, because you are talking about the twenty-five thousand. It is just saying that above that twenty-five thousand we ought to at least consider some of these others in that area."

POINT OF INQUIRY

Senator Guess: "Will Senator Fleming yield? Senator Fleming, I do not know whether you meant what you said. I cannot read it the way that you said it, but in the ranking, it says 'A public body shall rank at least three of the applicants in order of its preference.'"

Senator Fleming: "Yes."

Senator Guess: "Now what I understood you to say that one of those three shall be a small business minority, small business or a minority consultant."

Senator Fleming: "The proviso, Senator Guess, says you are ranking at least three, and then it says, 'Provided that for projects for which the estimated consultants fee is less than fifty thousand dollars and greater than twenty-five thousand dollars, the authority designated to evaluate applicants shall interview and consider at least one small business or a minority consultant, if one or more are available, from among those consultants submitting applications.'"

Senator Guess: "Okay. I hear you right then."

Senator Fleming: "They might not even get to be one of those three but at least they will be considered to get on that number three list. As it is now, they are not being considered."

Senator Guess: "Thank you, Senator Fleming. That answers my question."

The motion by Senator Fleming carried and the amendment was adopted.

On motion of Senator Rasmussen the rules were suspended, Engrossed Substitute Senate Bill No. 2618 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. 2618 and the bill passed the Senate by the following vote: Yeas, 44; nays, 3; absent or not voting, 1; excused, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bottiger, Buffington, Clarke, Cunningham, Day, Fleming, Francis, Goltz, Gould, Grant, Guess, Herr, Jolly, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—44.

Voting nay: Senators Bluechel, Jones, Van Hollebeke—3.

Absent or not voting: Senator Henry—1.

Excused: Senator Donohue—1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2618, having received the 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. 2127,

SENATE BILL NO. 2384,

SENATE BILL NO. 2402.

MOTION

At 12:35 p.m., on motion of Senator Mardesich, 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 Knoblauch, Senator Stortini was excused.

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

REPORTS OF STANDING COMMITTEES

April 22, 1975.

SENATE BILL NO. 2108, enacting the uniform foreign money-judgments recognition act (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Francis, Chairman; Buffington, Clarke, Jones, Marsh, Woody.

Passed to Committee on Rules for second reading.

April 22, 1975.

SENATE BILL NO. 2308, permitting certain dealers to transfer machine guns to law enforcement agencies (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Buffington, Clarke, Jones, Marsh, Woody.

Passed to Committee on Rules for second reading.

April 22, 1975.

SENATE BILL NO. 2574, relating to food fish and shellfish (reported by Committee on Natural Resources):

MAJORITY recommendation: That Substitute Senate Bill No. 2574 be substituted therefor and that substitute bill do pass.

Signed by: Senators Peterson, Chairman; Beck, Bluechel, Grant, Pullen, Sandison, Talley.

Passed to Committee on Rules for second reading.

April 22, 1975.

SENATE BILL NO. 2841, relating to justice courts (reported by Judiciary Committee):

MAJORITY recommendation: That the bill be referred to the Committee on Ways and Means.

Signed by: Senators Francis, Chairman; Buffington, Clarke, Jones, Marsh, Woody.
Referred to Committee on Ways and Means.

April 21, 1975.

SENATE BILL NO. 2862, deleting local government employees from law setting holidays for state employees (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Fleming, Chairman; Jolly, Lewis, (R. H. "Bob"), North, Sellar, Talley.

Passed to Committee on Rules for second reading.

April 21, 1975.

SENATE BILL NO. 2966, relating to fire districts (reported by Committee on Local Government):

MAJORITY recommendation: That Substitute Senate Bill No. 2966 be substituted therefor and the substitute bill do pass.

Signed by: Senators Jolly, Lewis (R. H. "Bob"), North, Sellar, Talley.

Passed to Committee on Rules for second reading.

April 21, 1975.

ENGROSSED HOUSE BILL NO. 733, authorizing solid waste collection and processing by cities and towns (reported by Committee on Local Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Fleming, Chairman; Jolly, Lewis (R. H. "Bob"), North, Sellar, Wilson.

Passed to Committee on Rules for second reading.

April 21, 1975.

HOUSE JOINT MEMORIAL NO. 18, requesting that the post office at Deep River not be closed (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Fleming, Chairman; Jolly, Lewis (R. H. "Bob"), North, Sellar, Wilson.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENT

April 21, 1975.

CARL CARBON, to the position of member of the Horse Racing Commission, appointed by the Governor on April 1, 1975 for the term ending January 15, 1979, succeeding Urgel Bell (reported by the Committee on State Government):

Recommends that said appointment be confirmed.

Signed by: Senators Rasmussen, Chairman; Buffington, Cunningham, Day, Henry, Knoblauch, Wanamaker.

Passed to Committee on Rules.

DATA PROCESSING AUTHORITY APPOINTMENT

April 21, 1975.

CLINTON de GABRIELLE, to the position of Executive Director of the Washington State Data Processing Authority, appointed by the Washington State Data Processing Authority on November 26, 1973, for the duration of the Washington State Data Processing Authority (reported by the Committee on State Government):

Recommends that said appointment be confirmed.

Signed by: Rasmussen, Chairman; Buffington, Cunningham, Day, Henry, Knoblauch, Wanamaker.

Passed to Committee on Rules.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of Senate Bill No. 2480.

SECOND READING

SENATE BILL NO. 2480, by Senators Woody and Walgren:
Providing changes in security regulation provisions.

MOTIONS

On motion of Senator Woody, Substitute Senate Bill No. 2480 was substituted for Senate Bill No. 2480 and the substitute bill was placed on second reading and read the second time in full.

Senator Grant moved adoption of the following amendment by Senators Grant and Woody:

On page 29, line 22, beginning with "eight" strike everything through "charge" on line 25 and insert "one and one-half percent higher than the effective rate of interest paid by such broker dealer for funds borrowed to make margin account purchases for his customers."

On motion of Senator Grant, the following amendment to the amendment was adopted:

After "customers" on the last line of the amendment insert "on the date of the customer borrowing"

POINT OF INQUIRY

Senator Mardesich: "Would Senator Grant yield? Senator Grant, I assume then that your intention is to allow the language on lines 25 through 27 on page 29 to remain and that the securities division then might by rule and regulation might set a lesser rate than the one and one-half percent differential?"

Senator Grant: "That is correct, Senator. That language remains."

Senator Woody: "Mr. President, in support of the amendment and also to answer Senator Mardesich, when we were in the committee hearings, Eugene Olson from the securities division, when he addressed himself to this particular proposal, that is the proposal that is in existing section 26, we asked him whether or not he wanted some additional rule-making authority to have some sort of control; and his answer was, basically, that he could not at this point see, even though during most of last year was above the twelve percent lending rate to the brokers, he could not see that there were any abuses in it. However, he would like to have the authority there in the event some abuses took place in the future."

The motion by Senator Grant carried and the amendment, as amended, was adopted.

MOTIONS

On motion of Senator Lewis (R. H. "Bob"), Senator Sellar was excused.

On motion of Senator Woody, the rules were suspended, Engrossed Substitute Senate Bill No. 2480 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Bluechel: "Would Senator Woody yield to a question please? Senator Woody, referring to the amendment by Senator Grant and yourself, we did not take up this particular issue in the committee and what I am wondering, is the one and one-half percent which is allowable under the amendment similar to the normal service fee that is placed on top of re-borrowed money, so to speak, in this case?"

Senator Woody: "In technical terminology there is no service fee by the brokers who borrow. Daily there is published in the Wall Street Journal what the rates are that brokers are borrowing. Today's rate, I think he mentioned on the telephone to us, ranged between seven and seven and one-half percent. You wonder why the half percent

difference? Well, it depends upon the quality of the borrower-broker. If that reverts to a situation as it was last year where they are borrowing at eleven and three-quarters percent, give or take a half percent either way, plus the compensating balance effect on it, this one and one-half percent that we are permitting would cover that, in fact would add a slight amount more money, but there is no other way of actually determining it other than saying one and one-half percent. Maybe a little closer would be one point two zero or one point two two, but this is as close as we could come."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2480 and the bill passed the Senate by the following vote: Yeas, 41; nays, 2; absent or not voting, 3; excused, 3.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Cunningham, Day, Francis, Goltz, Gould, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Wilson, Woody—41.

Voting nay: Senators Clarke, Grant—2.

Absent or not voting: Senators Fleming, Talley, Walgren—3.

Excused: Senators Donohue, Sellar, Stortini—3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2480, having received the 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 Lewis, (Harry): "Mr. President, I was very interested and very enthusiastic to see one of the recognized labor leaders in the state proposing an eighteen percent annual rate for interest, even though it was for securities which certainly are not at the same level as the requirements that young workers in the state have for . . ."

POINT OF ORDER

Senator Bailey: "I am not trying to cut you off, Senator Lewis, but I think that points of personal privilege have to do with something that concerns you personally and I do not think they have anything to do with comments about members, about some bill that is passed or anything else to clutter up the records."

RULING BY THE PRESIDENT

The President: "Senator Bailey, Senator Lewis, the President believes that Senator Bailey's remarks are well taken. Senator Lewis, unless the remarks are pertinent to you, the President will have to rule you out of order."

Senator Lewis, (Harry): "I would like to continue, Mr. President, to say that the reason that the issue is important to me is that there are a number of people, young people in particular, who are employed by me and who I knowwell who are having difficulty getting loans on cars that they would like to be able to buy because of the interest provisions. . . ."

POINT OF ORDER

Senator Bailey: "I still contend that if Senator Lewis had this remark to make it should have been made during passage of the bill and not for the record and not to play to the gallery."

RULING BY THE PRESIDENT

The President: "Senator Bailey's remarks are well taken, Senator Lewis."

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of Senate Bill No. 2736.

SECOND READING

SENATE BILL NO. 2736, by Senators Donohue, Odegaard and Newschwander:
Making certain corrections and adjustments in the tax laws.

MOTIONS

On motion of Senator Odegaard, Substitute Senate Bill No. 2736 was substituted for Senate Bill No. 2736 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Mardesich, the Senate commenced consideration of an amendment to page 9 of Substitute Senate Bill No. 2736.

On motion of Senator Odegaard, the following amendment by Senators Donohue and Odegaard was adopted:

On page 9, following line 11, add a new section to read as follows:

"*NEW SECTION.* Sec. 12. If any provision of this 1975 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."

Re-number the following section.

Senator Day moved adoption of the following amendment:

On page 4, line 2, after "requirements" and before the period insert "*or for necessary parking*"

POINT OF INQUIRY

Senator Odegaard: "Mr. President, I just wonder, Senator Day, if this could be quite broad. This could mean parking that might also be leased out or whatever."

Senator Day: "I would answer that for the record that that is not the intent of the amendment, only for use for church parking."

Senator Odegaard: "I wonder if that should be tied down a little more in the wording, Senator Day?"

MOTION

On motion of Senator Odegaard, Substitute Senate Bill No. 2736, as amended, together with the pending amendment by Senator Day, was ordered placed on today's second reading calendar following Senate Bill No. 2725.

MOTION

On motion of Senator Mardesich, the Senate resumed consideration of Substitute Senate Bill No. 2833.

SECOND READING

SUBSTITUTE SENATE BILL NO. 2833 by Committee on Transportation and Utilities (originally sponsored by Senators Wanamaker, Jolly, Beck and Sellar):

Relating to railroad grade crossing protective devices.

The Senate resumed consideration of Substitute Senate Bill No. 2833. On Monday, April 21, 1975 amendments by Senators Morrison and Bottiger were adopted.

On motion of Senator Bottiger, the rules were suspended, Engrossed Substitute Senate Bill No. 2833 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. 2833 and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 1; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen,

Rasmussen, Ridder, Sandison, Scott, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—46.

Absent or not voting: Senator Fleming—1.

Excused: Senators Donohue, Sellar—2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2833, having received the 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 Mardesich, the Senate commenced consideration of Senate Bill No. 2725.

SECOND READING

SENATE BILL NO. 2725, by Senators Rasmussen and Lewis, (Harry):
Providing for state defense of state employees in criminal actions.

MOTIONS

On motion of Senator Rasmussen, Substitute Senate Bill No. 2725 was substituted for Senate Bill No. 2725 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. 2725 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. 2725 and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 1; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—46.

Absent or not voting: Senator Fleming—1.

Excused: Senators Donohue, Sellar—2.

SUBSTITUTE SENATE BILL NO. 2725, having received the 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 Mardesich, the Senate commenced consideration of Senate Bill No. 2278.

SECOND READING

SENATE BILL NO. 2278, by Senators Ridder, McDermott, Goltz and Francis (by Department of Social and Health Services request):

Providing sanctions for violation of nursing home standards; providing for inspections, reports, and provisional licensing.

REPORT OF STANDING COMMITTEE

April 3, 1975.

SENATE BILL NO. 2278, providing sanctions for violation of nursing home standards; providing for inspections, reports, and provisional licensing (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass with the following amendments:

On page 4, line 3, after "final", and before the period, insert ": PROVIDED, That in no event shall the department assess a civil monetary penalty authorized pursuant to this section or post the said premises as provided in section 13 of this 1975 act or include in the report required pursuant to section 14 of this 1975 act during any period in which it has not fully implemented and funded its cost-related reimbursement system for public patients"

On page 4, line 14, after "care" and before the period, insert ": PROVIDED, That no sanction shall be imposed by the department until the department has informed the owner and administrator of the nursing home about the rules and regulations required to be followed to avoid penalties and until the department has granted a reasonable amount of time to the owner and administrator of the nursing home to correct the condition which would result in the penalty"

On page 5, line 25, after "days," insert a new paragraph as follows:

"(3) In any hearing held pursuant to this chapter it shall be a defense to a violation relating to the standard of care to be afforded public patients to show that the department does not provide sufficient funds to meet the standard allegedly violated. Further, alleged violations relating to standards of care provided by health care consultants shall not be subject to monetary penalties."

On page 8, line 28, after "final" and before "days" strike "ten" and insert "twenty"

Signed by: Senators Day, Chairman; Buffington, Cunningham, Gould, McDermott, Pullen, Van Hollebeke.

The bill was read the second time by sections.

On motion of Senator Day, the committee amendments to page 4 were adopted.

Senator Day moved adoption of the committee amendment to page 5.

Senator McDermott moved adoption of the following amendment to the committee amendment:

Amend the amendment to page 5, line 25 as follows: On line 4 of subsection (3) after "violated." strike the balance of the amendment.

The motion by Senator McDermott carried and the amendment to the committee amendment was adopted.

Debate ensued.

POINT OF INQUIRY

Senator Bottiger: "Will Senator Day yield to a question? Senator Day, I understand your argument that we are talking about those patients in a nursing home who are paid by public assistance, but what about the rest of them. Would not under this language the administrator have a defense, saying that 'I did not provide good care to that private patient because I did not get enough money from the state for that public patient?'"

Senator Day: "I suppose that is an outside possibility but I would say that a vast percentage of the patients in nursing homes are public patients. Of course, I think that is truly the particular thing that we wanted to get at where public funds are being expended to take care of patients and should, by the way, be adequate and is not adequate. We are told that eighty-two million dollars additional in the budget would bring these homes up to Title Nineteen standards but it would also be true that in the case of a private patient, a private patient that is paying the bill, I think it would be very simple for them to find redress by merely moving out of that nursing home into another one."

POINT OF INQUIRY

Senator Woody: "Would Senator Day yield? On your amendment on line 4 where it says 'provide sufficient funds to meet the standard allegedly violated . . .'"

Senator Day: "I would point out, Senator, those are not my amendments. Those are the committee amendments."

Senator Woody: "All right. The committee amendments. On that language, if we injected the words 'cost reimbursement' before 'standards.' would that help do what the committee amendment intended to do?"

Senator Day: "Would you give me the line again please?"

Senator Woody: "The fourth line down. It begins with 'provide sufficient funds to meet the' and I would insert 'cost reimbursement standard'."

Senator Day: "Is this on page 4? All right. Yes, that would be perfectly acceptable and I think that would clear this language."

On motion of Senator Woody, the following amendment to the committee amendment was adopted:

Amend the amendment to page 5, line 25 as follows: On line 4 of subsection (3), after "the" insert "cost of reimbursement".

The motion by Senator Day carried and the committee amendment to page 5, as amended, was adopted.

On motion of Senator Day, the committee amendment to page 8 was adopted.

On motion of Senator Day, the rules were suspended, Engrossed Senate Bill No. 2278 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

MOTION

Senator Lewis (Harry) moved that Engrossed Senate Bill No. 2278 be referred to the Committee on Ways and Means.

Debate ensued.

POINT OF INQUIRY

Senator Cunningham: "Would Senator Day yield to a question? Senator Day, recently we had an opportunity to meet with Mr. Morris and in discussing the impact of state regulations being brought into full conformity with federal regulations for nursing homes, did he refer to any dollar value that could be impacted on the state?"

Senator Day: "Yes, as I previously stated, there is an eighty-two million dollar impact. Eighty-two million to bring the nursing homes in the state up to Title Nineteen standards, and I have repeated that a number of times on the floor."

Further debate ensued.

Senator Francis demanded a roll call and the demand was sustained by Senators Lewis (Harry), Lewis (R. H. "Bob"), Bailey, Stortini, Ridder, von Reichbauer, Talley, Odegaard and Grant.

Further debate ensued.

ROLL CALL

The Secretary called the roll and the motion by Senator Lewis (Harry) failed by the following vote: Yeas, 18; nays, 30; excused 1.

Voting yea: Senators Benitz, Bluechel, Clarke, Cunningham, Day, Gould, Guess, Jones, Lewis (Harry), Lewis (R. H. "Bob"), Marsh, Matson, Morrison, Newschwander, North, Pullen, Sellar, Wanamaker—18.

Voting nay: Senators Bailey, Beck, Bottiger, Buffington, Fleming, Francis, Goltz, Grant, Henry, Herr, Jolly, Keefe, Knoblauch, Mardesich, McDermott, Murray, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Scott, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Woody—30.

Excused: Senator Donohue—1.

MOTION

On motion of Senator Knoblauch, Senator Grant was excused.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2278 and the bill passed the Senate by the following vote: Yeas, 35; nays, 12; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Fleming, Francis, Goltz, Gould, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Mardesich, Marsh, McDermott, Murray, North, Odegaard, Peterson, Ridder, Sandison, Scott, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Woody—35.

Voting nay: Senators Cunningham, Guess, Lewis (Harry), Lewis (R. H. "Bob"), Matson, Morrison, Newschwander, Pullen, Rasmussen, Sellar, Wanamaker, Wilson—12.

Excused: Senators Donohue, Grant—2.

ENGROSSED SENATE BILL NO. 2278, having received the 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 Mardesich, the Senate resumed consideration of Senate Bill No. 2467.

SECOND READING

SENATE BILL NO. 2467, by Senators Walgren, Clarke and Herr:

Permitting mutual savings banks to convert to savings and loan associations.

The Senate resumed consideration of Senate Bill No. 2467 and an amendment moved for adoption by Senator Clarke on Monday, April 21, 1975.

The motion by Senator Clarke carried and the amendment striking everything after the enacting clause and inserting twelve new sections was adopted.

On motion of Senator Woody, the rules were suspended, Engrossed Senate Bill No. 2467 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

MOTION

On motion of Senator Scott, Senator Guess was excused.

POINT OF INQUIRY

Senator Rasmussen: "Will Senator Woody yield to a question? Senator Woody, would this be an appropriate bill to put that prohibition in on home mortgages, that they could not have the acceleration clause in them? The one that moves the interest rate up to six percent to nine and one-half percent?"

Senator Woody: "I cannot answer that question as to whether or not it has the same RCW section. That particular bill is in the House. I do not know what the status of that bill is, whether it is out of committee, in Rules, on second reading. I do not know where it is. It is not on the Senate side yet, but I cannot say that it has the same RCW reference as this bill does."

Senator Rasmussen: "Would you check it out and put the amendment on the House measure? Thank you."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2467 and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 2; excused, 3.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Fleming, Francis, Goltz, Gould, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Mardesich, Marsh, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—44.

Absent or not voting: Senators Lewis (R. H. "Bob"), Matson—2.

Excused: Senators Donohue, Grant, Guess—3.

ENGROSSED SENATE BILL NO. 2467, having received the 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 Mardesich, the Senate commenced consideration of Senate Bill No. 2718.

SECOND READING

SENATE BILL NO. 2718, by Senator Woody:
 Requiring continuing education for licensed insurance brokers.

REPORT OF STANDING COMMITTEE

March 20, 1975.

SENATE BILL NO. 2718, requiring continuing education for licensed insurance brokers (reported by Committee on Financial Institutions):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 16, after "apply" insert "as to life and disability brokers as defined in RCW 48.17.240(c), nor"

Signed by: Senators Woody, Chairman; Bluechel, Clarke, Jones.

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. 2718 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: "Will Senator Woody yield to a question? Senator Woody, who asked for this legislation?"

Senator Woody: "The Brokers' Association itself and the Insurance Commissioner's Office."

Senator Rasmussen: "Do they have any particularly flagrant violations that they could show somebody had sold somebody a fire insurance policy when they were selling a life policy, supposedly?"

Senator Woody: "No, it is more involved than selling a life policy to somebody who asked for a casualty policy. Quite frankly, in the committee hearing they did address themselves to the fact that some of the brokers, not the brokers that Senator Francis is talking about but some of the others, are not keeping up with some very rapidly changing situations with casualty and property underwriting, and there really was no one that was objecting to this, especially with the major amount of provisos we have in there, the requirement that it can be waived by the Insurance Commissioner for good cause. It does not apply to those permanent licensed resident brokers who have reached the age of sixty-five years. I guess there they thought they could not teach old dogs new tricks."

Senator Rasmussen: "Thank you, Senator Woody."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2718 and the bill passed the Senate by the following vote: Yeas, 27; nays, 17; absent or not voting, 3; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Gould, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Mardesich, Marsh, McDermott, Murray, North, Odegaard, Peterson, Sandison, Scott, Stortini, Van Hollebeke, Woody—27.

Voting nay: Senators Cunningham, Day, Fleming, Francis, Goltz, Lewis (R. H. "Bob"), Matson, Morrison, Rasmussen, Ridder, Sellar, Talley, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—17.

Absent or not voting: Senators Keefe, Newschwander, Pullen—3.

Excused: Senators Donohue, Grant—2.

ENGROSSED SENATE BILL NO. 2718, having received the 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 Mardesich, the Senate commenced consideration of Senate Bill No. 2517.

SECOND READING

SENATE BILL NO. 2517, by Senators Sandison, Guess, Goltz and Benitz:
Relating to higher education.

MOTIONS

On motion of Senator Sandison, Substitute Senate Bill No. 2517 was substituted for Senate Bill No. 2517 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Mardesich, the following amendment was adopted:

On page 1, line 13, after "provide that the" insert "proportional" and after "costs" strike "incidental to operation"

President Pro Tempore Henry assumed the Chair.

On motion of Senator Sandison the rules were suspended, Engrossed Substitute Senate Bill No. 2517 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. 2517 and the bill passed the Senate by the following vote: Yeas, 43; nays, 1; absent or not voting, 3; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Francis, Goltz, Gould, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Wilson, Woody—43.

Voting nay: Senator Walgren—1.

Absent or not voting: Senators Fleming, Newschwander, Scott—3.

Excused: Senators Donohue, Grant—2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2517, having received the 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 Mardesich, the Senate commenced consideration of Senate Bill No. 2398.

SECOND READING

SENATE BILL NO. 2398, by Senators Woody and Bottiger:
Regulating court reporters.

REPORT OF STANDING COMMITTEE

April 2, 1975.

SENATE BILL NO. 2398, regulating court reporters (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, line 23, after "Washington" insert a period and strike the remainder of the sentence.

On page 3, line 4, after "itself" and before "that" strike "by documentation and interview", and on line 6 after "States" strike all the matter through "citizen" on line 7.

On page 3, beginning on line 27, after "act" strike all of the matter down through "stenomask" on line 32.

On page 5, line 4, after "hearing" and before "shall" insert "in accordance with chapter 34.04 RCW"

On page 5, line 28, following subsection (d) strike the period, insert a semicolon and add the following new subsections:

"(e) Failure to comply with judicially prescribed deadlines for preparation of verbatim transcripts which are timely requested;

(f) Wilful failure to comply with rules and regulations promulgated in accordance with section 5(7) of this 1975 act."

On page 6, line 4, after "receive" and before "dollars" strike "thirty-five" and insert "one hundred".

Signed by: Senators Francis, Chairman, Buffington, Clarke, Marsh, Scott, Woody.

The bill was read the second time by sections.

On motion of Senator Francis, the committee amendments to pages 2, 3 and 5 were adopted.

On motion of Senator Francis, the committee amendment to page 6 was not adopted.

Senator Bottiger moved adoption of the following amendment:

On page 6, line 3, after "follows:" strike the remainder of the section and insert "Members of the board who are not employed by the state or any political subdivision thereof shall receive one hundred dollars per diem for each day or major portion thereof spent in discharge of their duties. All members of the board shall receive reimbursement for actual travel expenses incurred in the performance of their duties in the same manner as provided for generally in chapter 43.03 RCW as now or hereafter amended."

Debate ensued.

Senator Lewis (Harry) moved adoption of the following amendment to the amendment by Senator Bottiger:

On line 4 of the Bottiger amendment to page 6, line 3, strike "one hundred" and insert "forty".

Debate ensued.

PARLIAMENTARY INQUIRY

Senator Francis: "I was going to add an oral amendment before the word 'board' in Senator Bottiger's amendment, just putting the word 'examining' because there are two and this section does follow two sections relating to the discipline board, and I think that this is clearly to be the examining board, but I did not want to move that yet and I am wondering if it would not be better parliamentary procedure to vote on Senator Lewis's amendment first, which would just up or down on the question of a number; then we get to Senator Bailey's and then I could move my oral amendment to the Bottiger amendment rather than having them all kind of floating around before the body."

MOTION

On motion of Senator Marsh, Senate Bill No. 2398, as amended, together with the pending amendment by Senator Bottiger and the amendment to the amendment by Senator Lewis (Harry), was ordered held at the end of today's second reading calendar.

MOTION

On motion of Senator Fleming, Senate Bill No. 2692 was ordered to hold its place on the second reading calendar for Wednesday, April 23, 1975.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of Senate Bill No. 2913.

SECOND READING

SENATE BILL NO. 2913, by Senators McDermott, Day and Ridder:

Permitting university medical graduates of foreign medical schools or colleges to become physician assistants for a limited number of years.

REPORT OF STANDING COMMITTEE

April 10, 1975.

SENATE BILL NO. 2913, Permitting university medical graduates of foreign medical schools or colleges to become physician assistants for a limited number of years (reported by Committee on Social and Health Services)

MAJORITY recommendation: Do pass with the following amendments:

On page 2, line 15, insert a new section as follows:

"NEW SECTION. Sec. 3. There shall be appointed by the director of the department of motor vehicles an agent whose title shall be "medical practice investigator", who shall have the duty and shall be authorized to enter the clinic, office, or premises where a physician's assistant is employed for the purpose of inspecting the registration and utilization of any physician's assistant employed therein. Said investigator may serve and execute any notice or process issued under the authority of this chapter and shall perform any other duty prescribed by the director or the board, including assisting other agencies in enforcing the provisions of the law regulating the practice of medicine: PROVIDED, That funds must be included in the department's 1975-77 operational budget for this program."

In line 4 of the title, after "18.71A.040" and before the period insert "; and adding a new section"

Signed by: Senators, Day, Chairman; von Reichbauer, Vice Chairman; Cunningham, Francis, Goltz, Gould, McDermott, Pullen.

The bill was read the second time by sections.

On motion of Senator McDermott, the committee amendment was adopted.

On motion of Senator McDermott, the committee amendment to the title was adopted.

Senator McDermott moved that the rules be suspended, Engrossed Senate Bill No. 2913 be advanced to third reading, the second reading considered the third, and the bill be placed on final passage.

POINT OF INQUIRY

Senator Clarke: "Would Senator McDermott yield first? I notice on page 1 of the bill you say a person who is a university medical graduate of a foreign medical school or college; I have some recollection on prior matters of this kind last session in committee, there had to be some recognition or accreditation of those foreign schools. Is there anything in here or is there an established method of determining whether these schools are actually qualified?"

Senator McDermott: "Senator Clarke, this would give the department the right to look at the credentials which were offered and would give the right, as they look at the credentials presented by any of the other categories, so it is covered. They do have that power already."

Senator Clarke: "Thank you."

The motion by Senator McDermott carried and the bill was advanced to third reading and final passage.

Debate ensued.

MOTION

On motion of Senator Lewis (R. H. "Bob"), Senator Newschwander was excused.

POINT OF INQUIRY

Senator North: "Will Senator McDermott yield? Under our second committee amendment you note that we have asked for a special investigator in the Department of Motor Vehicles and there is a proviso that it is included in the budget. Can you tell us

what the status of this budget request is? Will the department ask for it? Is there a possibility that it will be in the budget?"

Senator McDermott: "At this point it is not in the budget and it is something that the department testified before the committee that they would ask for before the Ways and Means Committee."

Senator North: "Thank you."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2913 and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; excused, 3.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Fleming, Francis, Goltz, Gould, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Wanmaker, Washington, Wilson, Woody—45.

Voting nay: Senator Walgren—1.

Excused: Senators Donohue, Grant, Newschwander—3.

ENGROSSED SENATE BILL NO. 2913, having received the 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 Mardesich, the Senate commenced consideration of Senate Bill No. 2939.

SECOND READING

SENATE BILL NO. 2939, by Senator Morrison:
Permitting domestic wineries to sell at retail.

REPORT OF STANDING COMMITTEE

April 10, 1975.

SENATE BILL NO. 2939, permitting domestic wineries to sell at retail (reported by Committee on Commerce):

MAJORITY recommendation: Do pass with the following amendments:

On lines 22 and 23, after "defined" and before the period on line 23, strike "*PROVIDED, That no provision of this section shall apply to a domestic winery*"

After the period on line 26, add the following paragraph:

"Nothing in this section shall prohibit a licensed domestic winery from applying for, and if qualified, from being issued a Class C or Class F wine retailer's license for the purpose of selling or serving wine of its own production on the winery premises."

Signed by: Senators Van Hollebeke, Chairman; Morrison, Peterson, Ridder.

The bill was read the second time by sections.

On motion of Senator Van Hollebeke, the committee amendments were not adopted.

On motion of Senator Van Hollebeke, the following amendment by Senators Morrison and Van Hollebeke was adopted:

On page 1, section 1, beginning on line 8 strike entire act and insert the following:

"No manufacturer, importer or wholesaler, or person financially interested, directly or indirectly, in such business, whether resident or nonresident, shall have any financial interest, direct or indirect, in any licensed retail business, nor shall any manufacturer or wholesaler own any of the property upon which such licensed persons conduct their business, nor shall any such licensed person, under any arrangement whatsoever, conduct his business upon property in which any manufacturer or wholesaler has any interest, nor shall any manufacturer or wholesaler advance moneys or moneys' worth to any such licensed person under any arrangement whatsoever, nor shall any

such licensed person receive, under any arrangement whatsoever, any such advance of moneys or moneys' worth. No manufacturer, *importer* or wholesaler shall be eligible to receive or hold a retail license under this title, nor shall such manufacturer or wholesaler sell at retail any liquor as herein defined [;]: *PROVIDED, That nothing in this section shall prohibit a licensed brewer or domestic winery from being licensed as a retailer pursuant to RCW 66.24 for the purpose of selling beer or wine of its own production at retail on the brewery or winery premises. Such beer and wine so sold at retail shall be subject to the taxes imposed by RCW 66.24.290 and RCW 66.24.210, and to reporting and bonding requirements as prescribed by regulations adopted by the board pursuant to RCW 34.04.*

Financial interest, direct or indirect, as used in this section, shall include any interest, whether by stock ownership, mortgage, lien, or through interlocking directors, or otherwise.

Sec. 2. Section 30, chapter 62, Laws of 1933 ex. sess. as last amended by section 7, chapter 21, Laws of 1969 ex. sess. and RCW 66.28.040 are each amended to read as follows:

No brewer, wholesaler, distiller, winery, *importer*, *rectifier*, or other manufacturer of liquor shall, within the state, by himself, his clerk, servant, or agent, give to any person any liquor; but nothing in this section shall prevent the furnishing of samples of liquor to the board for the purpose of negotiating the sale of liquor to the state liquor control board, and nothing in this section shall prevent a brewer from serving beer without charge, on the brewery premises, [to employees and casual visitors] and nothing in this [act] *section* shall prevent a domestic winery from [selling or] serving wine [of its own production] without charge, on the winery premises [to employees and casual visitors. Such wine so sold shall be subject to the tax imposed by RCW 66.24.210].

On motion of Senator Van Hollebeke, the following amendment to the title by Senators Van Hollebeke and Morrison was adopted:

On line 3 of the title, after "RCW 66.28.010" insert "; and amending section 30, chapter 62, Laws of 1933 ex. sess. as last amended by section 7, chapter 21, Laws of 1969 ex sess. and RCW 66.28.040"

On motion of Senator Van Hollebeke, the rules were suspended, Engrossed Senate Bill No. 2939 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

PARLIAMENTARY INQUIRY

Senator Bailey: "I know the Supreme Court does not rule on issues until you pass a law, but what would the Chair rule if this bill came back with the wine bill that took the wine out of the liquor stores? Would it be beyond the scope and object of the bill?"

REPLY BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "Under Rule 60 of the Senate rules, that would apply to several bills now under discussion."

Senator Bailey: "Meaning what?"

President Pro Tempore Henry: "It would take the course of a new bill."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2939 and the bill passed the Senate by the following vote: Yeas. 45; absent or not voting. 1; excused. 3.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Fleming, Francis, Goltz, Gould, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, North, Odegaard, Peterson, Pullen, Rasmussen, Rider, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, Walgren, Wanamaker, Washington, Wilson, Woody—45.

Absent or not voting: Senator von Reichbauer—1.

Excused: Senators Donohue, Grant, Newschwander—3.

ENGROSSED SENATE BILL NO. 2939, having received the 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 Mardesich, the Senate commenced consideration of Senate Bill No. 2960.

SECOND READING

SENATE BILL NO. 2960, by Senators Henry, Matson and Morrison (by Department of Emergency Services request):

Making changes in the laws relating to emergency services.

The bill was read the second time by sections.

On motion of Senator Rasmussen the rules were suspended, Senate Bill No. 2960 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. 2960 and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Fleming, Francis, Goltz, Gould, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—46.

Excused: Senators Donohue, Grant, Newschwander—3.

SENATE BILL NO. 2960, having received the 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 Mardesich, the Senate commenced consideration of Senate Bill No. 2698.

SECOND READING

SENATE BILL NO. 2698, by Senator Francis:

Permitting the director of public safety to appoint twelve persons to unclassified positions.

REPORT OF STANDING COMMITTEE

April 1, 1975.

SENATE BILL NO. 2698, permitting the director of public safety to appoint twelve persons to unclassified positions (reported by Committee on Local Government):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 13, after "secretary" and before ";" insert (1 "*PROVIDED, That the legislative authority of any county operating under a home rule charter may designate unclassified positions of administrative responsibility not to exceed twelve positions*")

On page 1, beginning on line 17, after "(4)" strike all material down to and including "(5)" on line 20

Signed by: Senators Fleming, Chairman; Jolly, McDermott, North, Sellar, Talley.

The bill was read the second time by sections.

On motion of Senator Fleming, the committee amendments were adopted.

On motion of Senator Fleming, the rules were suspended, Engrossed Senate Bill No. 2698 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

MOTION

On motion of Senator Grant, Engrossed Senate Bill No. 2698 was placed on the third reading calendar for Wednesday, April 23, 1975.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of Senate Bill No. 2795.

• SECOND READING

SENATE BILL NO. 2795, by Senator Beck:
Relating to public disclosure.

MOTIONS

On motion of Senator Beck, Substitute Senate Bill No. 2795 was substituted for Senate Bill No. 2795 and the substitute bill was placed on second reading and read the second time in full.

Senator Lewis (Harry) moved adoption of the following amendment by Senators Lewis (Harry) and Scott:

On page 25, beginning on line 28, strike all the material down through the period on line 34 and insert:

"[Members] *Each member shall* [serve without compensation, but] *receive per diem in the amount of forty dollars in lieu of expenses for each day or portion thereof spent in performance of his duties as a member of the commission, and in addition shall be reimbursed for [necessary traveling and lodging] travel expenses actually incurred while engaged in the business of the commission as provided in chapter 43.03 RCW.*"

Debate ensued.

The motion by Senator Lewis (Harry) carried and the amendment was adopted.

Senator Lewis (Harry) moved adoption of the following amendment:

On page 26, line 5 add a new section to read as follows:

NEW SECTION. Sec. 21, Section 36, chapter 1, Laws of 1973 (Initiative Measure 276, Section 36) and RCW 42.17.360 are each amended to read as follows:

The commission shall:

(1) Develop and provide forms for the reports and statements required to be made under this chapter:

(2) Prepare and publish a manual setting forth recommended uniform methods of bookkeeping and reporting for use by persons required to make reports and statements under this chapter;

(3) Compile and maintain a current list of all filed reports and statements;

(4) Investigate whether properly completed statements and reports have been filed within the times required by this chapter;

(5) Upon complaint or upon its own motion, investigate and report apparent violations of this chapter to the appropriate law enforcement authorities; *PROVIDED, That upon a finding by the commission that probable cause exists to believe that any party has committed an apparent violation of this chapter said party shall be entitled to a hearing and proceedings following the finding of probable cause shall be conducted pursuant to the provisions of Chapter 34.04 RCW relating to contested cases;*

(6) Prepare and publish an annual report to the governor as to the effectiveness of this chapter and its enforcement by appropriate law enforcement authorities; and

(7) Enforce this chapter according to the powers granted it by law."

Renumber remaining sections consecutively.

MOTION

On motion of Senator Bailey, Senate Bill No. 2795, as amended, and the amendment moved for adoption by Senator Lewis (Harry), was ordered to hold its place on the second reading calendar for Wednesday, April 23, 1975.

MOTIONS

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

At 4:05 p.m., on motion of Senator Mardesich, the Senate adjourned until 9:45 a.m., Wednesday, April 23, 1975.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

FORTY-FIRST DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, April 23, 1975.

The Senate was called to order at 9:45 a.m., by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Bottiger, Day, Grant and Rasmussen. There being no objection, Senators Bottiger, Day, Grant and Rasmussen were excused.

The Color Guard, consisting of Pages Theresa Hurburt and Michael Jackson, presented the Colors. Reverend Arthur I. Anderson, pastor of Gloria Dei Lutheran Church of Olympia, offered the following prayer:

"TODAY IS HARD. TOMORROW MAY BE HARDER STILL. YET GOD HAS KINDLY PLACED BETWEEN, A THREE-FOLD SCREEN OF SUNSET SKY, SLEEP'S DOWNY WINGS, AND DAWN THAT SINGS, THAT I MAY FACE WITH TRANQUIL HEART EACH DAY APART. YES, GOD, WE THANK YOU FOR THE REST OF LAST NIGHT TO CALM OUR RESTLESS SPIRITS AND TO SOOTHE OUR TROUBLED MINDS BEFORE TAKING ON THE SPECIAL PROBLEMS AND DEMANDING CHALLENGES OF ANOTHER DAY.

"TO BE A LEGISLATOR AT SUCH A TIME AS THIS MUST BE LIKE LIVING IN A PRESSURE COOKER. WE ARE REMINDED OF THE INSCRIPTION BY THE ANCIENT ROMAN SAGE ON OUR CAPITOL CAMPUS SUN DIAL; THAT, 'TIME IS A SORT OF RIVER OF PASSING EVENTS, AND STRONG IS ITS CURRENT.' AMID THE SWIFT CURRENT OF CURRENT EVENTS, MAY OUR SENATORS THIS DAY SENSE THE DEEP UNDERCURRENT OF YOUR GUIDING LIGHT, OF YOUR ENCOMPASSING LOVE AND

OF YOUR ENABLING GRACE. GRANT, WE PRAY, YOUR HEALING GRACE TO SENATOR PERRY WOODALL AND YOUR SUSTAINING GRACE TO THE MEMBERS OF HIS FAMILY. TO THIS END WE NOW UNITE OUR HEARTS IN A MOMENT OF SILENT PRAYER. AMEN."

MOTION

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

INTRODUCTION AND FIRST READING

MOTION

On motion of Senator Mardesich, Senate Bill No. 2962 was ordered held on the Introduction and First Reading calendar for Tuesday, April 29, 1975.

MOTIONS

On motion of Senator Mardesich, Senate Bill No. 2698 was ordered placed at the end of today's second reading calendar on third reading.

On motion of Senator Mardesich, Substitute Senate Bill No. 2795 was ordered held in abeyance in its present position on today's second reading calendar.

MOTION

On motion of Senator Mardesich, the Senate resumed consideration of Substitute Senate Bill No. 2736.

SECOND READING

SUBSTITUTE SENATE BILL NO. 2736, by Committee on Ways and Means (originally sponsored by Senators Donohue, Odegaard and Newschwander):

Making certain corrections and adjustments in the tax laws.

The Senate resumed consideration of Substitute Senate Bill No. 2736. On Tuesday, April 22, 1975 an amendment by Senators Odegaard and Donohue was adopted. On that day, Senator Day moved adoption of the following amendment:

On page 4, line 2, after "requirements" and before the period insert "*or for necessary parking*".

Debate ensued.

The motion by Senator Day failed and the amendment was not adopted.

Senator Bluechel moved adoption of the following amendment:

On page 1, line 21, strike all of section 1 and insert:

"Section 1. Section 1, chapter 191, Laws of 1939 as last amended by section 4, chapter 4, Laws of 1973 second ex. sess. and RCW 70.12.010 are each repealed."

Debate ensued.

POINT OF INQUIRY

Senator Guess: "Will Senator Bluechel yield? Senator Bluechel, in the case of the tuberculosis facility in Spokane County, the county earmarks funds for that and the other counties in eastern Washington that are served by the facility also earmark certain funds for it. Now is this going to in any way change the ability of those counties to earmark those funds?"

Senator Bluechel: "No, that is a different section entirely. There are four sections, including the TB, veterans, public health and I believe mental health, and in the testimony we received from two full public hearings about three hours each, the one area in which it was felt that the earmarking could not substantiate itself, in other words, was really invalid, was the one area of public health here. It does not enter into your section of the bill referring to TB earmarked millage whatsoever. That is a totally different section."

Further debate ensued.

The motion by Senator Bluechel failed and the amendment was not adopted.

MOTIONS

Senator Cunningham moved adoption of the following amendment:

On page 2, line 13, strike lines 13 through 15.

Debate ensued.

The motion by Senator Cunningham failed and the amendment was not adopted.

On motion of Senator Murray, the following amendment was adopted:

On page 5, line 24, after "within" and before "months" strike "twelve" and insert "eighteen".

Senator Morrison moved adoption of the following amendment:

On page 7, line 16, after section 8, insert:

"Sec. 9. Section 11, chapter 40, Laws of 1973 2nd ex. sess. and RCW 84.36.825 are each amended to read as follows:

An application fee [of thirty-five dollars] for each annual application for exemption according to the following schedule by class of property value shall be deposited within the general fund. [Applications made for assessment year 1974 will be considered initial applications whether or not an exemption has previously been approved.]

<i>Class of Property Value</i>	=	<i>Amount of Annual Application Fee</i>	
\$ 0	=	\$ 10,000	5.00
\$ 10,001	=	\$ 25,000	\$10.00
\$ 25,001	=	\$ 50,000	\$15.00
\$ 50,001	=	\$ 100,000	\$25.00
\$100,001 and over			\$50.00"

Renumber the following sections accordingly.

The motion by Senator Morrison carried and the amendment was adopted.

There being no objection, the amendment by Senator Wanamaker to page 8, line 34, on the Secretary's desk was withdrawn.

On motion of Senator Odegaard, the rules were suspended, Engrossed Substitute Senate Bill No. 2736 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Wanamaker: "Would Senator Odegaard yield to a question? Senator Odegaard, my concern was that there are about two fairs that are not actually county fairs but they are nonprofit incorporations that are conducting agricultural fairs, and I want to be assured by you that these are covered in that exemption in the bill."

Senator Odegaard: "Senator Wanamaker, in our discussing this yesterday, we did some checking with the agricultural department which handles the funds and works with the fairs and they have assured us that these two fairs, the Stanwood Community Fair and the Castle Rock Community Fair would be covered by the bill because they do receive funds from the horseracing fund."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2736, and the bill passed the Senate by the following vote: Yeas, 42; nays, 5; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Donohue, Fleming, Gould, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Morrison, Murray, Newschwander, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—42.

Voting nay: Senators Cunningham, Francis, Goltz, McDermott, North—5.

Excused: Senators Day, Grant—2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2736, having received the 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 Rasmussen served notice that he would, on the next working day, move for reconsideration of the vote by which Engrossed Substitute Senate Bill No. 2736 passed the Senate.

MOTION

On motion of Senator Mardesich, the Senate resumed consideration of Senate Bill No. 2398.

SECOND READING

SENATE BILL NO. 2398, by Senators Woody and Bottiger:

Regulating court reporters.

The Senate resumed consideration of Senate Bill No. 2398. On Tuesday, April 22, 1975, Senator Bottiger moved adoption of an amendment to page 6, line 8.

On that day, Senator Lewis (Harry) moved adoption of the following amendment to the amendment by Senator Bottiger:

On line 4 of the Bottiger amendment to page 6, line 3, strike "one hundred" and insert "forty".

Debate ensued.

POINT OF INQUIRY

Senator Francis: "Will Senator Lewis yield? Senator Lewis, these payments to this examining board are paid out of what funds? Are they funds that come from the court reporters themselves?"

Senator Lewis (Harry): "Senator Francis, they are paid from the funds that are collected from the dues of the court reporters, the same way as the boards are funded and commissions in all other areas. Most of them are funded from the funds collected from the interested individuals. The engineers and architects pay a fee; their board is funded from that fee."

Senator Francis: "Thank you, Senator Lewis."

Further debate ensued.

The motion by Senator Lewis (Harry) carried and the amendment to the amendment by Senator Bottiger was adopted.

On motion of Senator Marsh, the following amendment to the amendment by Senator Bottiger was adopted:

After "amended." on the last line of the Bottiger amendment to page 6, line 3, add "The compensation provided pursuant to this section shall not be considered salary for purposes of the provisions of any retirement system created pursuant to the general laws of this state."

The motion by Senator Bottiger carried and the amendment, as amended, was adopted.

On motion of Senator Woody, the rules were suspended, Engrossed Senate Bill No. 2398 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. 2398, and the bill passed the Senate by the following vote: Yeas. 33; nays. 13; absent or not voting, 1; excused, 2.

Voting yea: Senators Bailey, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Donohue, Fleming, Francis, Goltz, Gould, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Marsh, Matson, Morrison, North, Pullen, Sandison, Scott, Sellar, Talley, Van Hollebeke, Wanamaker, Washington, Woody—33.

Voting nay: Senators Beck, Guess, Mardesich, McDermott, Newschwander, Odegaard, Peterson, Rasmussen, Ridder, Stortini, von Reichbauer, Walgren, Wilson—13.

Absent or not voting: Senator Murray—1.

Excused: Senators Day, Grant—2.

ENGROSSED SENATE BILL NO. 2398, having received the 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 Mardesich, the Senate commenced consideration of Engrossed House Bill No. 95.

SECOND READING

ENGROSSED HOUSE BILL NO. 95, by Representative Kilbury:

Adding a new chapter which revises all statutes relating to eggs and egg production.

REPORT OF STANDING COMMITTEE

March 7, 1975.

ENGROSSED HOUSE BILL NO. 95, adding a new chapter which revises all statutes relating to eggs and egg production (reported by Committee on Agriculture):

Recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and substitute the following:

"*NEW SECTION.* Section 1. There is added to Title 69 RCW a new chapter to read as set forth in sections 2 through 38 of this act.

NEW SECTION. Sec. 2. Eggs and egg products are an important source of the state's total supply of food, and are used in food in various forms. They are consumed throughout the state and the major portion thereof moves in intrastate commerce. It is essential, in the public interest, that the health and welfare of consumers be protected by the adoption of measures prescribed herein for assuring that eggs and egg products distributed to them and used in products consumed by them are wholesome, otherwise not adulterated, and properly labeled and packaged. Lack of effective regulation for the handling or disposition of unwholesome, otherwise adulterated, or improperly labeled or packaged egg products and certain qualities of eggs is injurious to the public welfare and destroys markets for wholesome, unadulterated, and properly labeled and packaged eggs and egg products and results in sundry losses to producers and processors, as well as injury to consumers. Unwholesome, otherwise adulterated, or improperly labeled or packaged products can be sold at lower prices and compete unfairly with the wholesome, unadulterated, and properly labeled and packaged products, to the detriment of consumers and the public generally. It is hereby found that all egg products and the qualities of eggs which are regulated under this chapter are either in intrastate commerce, or substantially affect such commerce, and that regulation by the director, as contemplated by this chapter, is appropriate to protect the health and welfare of consumers.

NEW SECTION. Sec. 3. When used in this chapter the following terms shall have the indicated meanings, unless the context otherwise requires:

(1) "Department" means the department of agriculture of the state of Washington.

(2) "Director" means the director of the department or his duly authorized representative.

(3) "Person" means any natural person, firm, partnership, exchange, association, trustee, receiver, corporation, and any member, officer, or employee thereof, or assignee for the benefit of creditors.

(4) "Adulterated" applies to any egg or egg product under one or more of the following circumstances:

(a) If it bears or contains any poisonous or deleterious substance which may render it injurious to health; but in case the substance is not an added substance, such article shall not be considered adulterated under this clause if the quantity of such substance in or on such article does not ordinarily render it injurious to health;

(b) If it bears or contains any added poisonous or added deleterious substance (Other than one which is: (i) A pesticide chemical in or on a raw agricultural commodity; (ii) a food additive; or (iii) a color additive) which may, in the judgment of the director, make such article unfit for human food;

(c) If it is, in whole or in part, a raw agricultural commodity and such commodity bears or contains a pesticide chemical which is unsafe within the meaning of RCW 69.04.392, as enacted or hereafter amended;

(d) If it bears or contains any food additive which is unsafe within the meaning of RCW 69.04.394, as enacted or hereafter amended;

(e) If it bears or contains any color additive which is unsafe within the meaning of RCW 69.04.396, as enacted or hereafter amended: PROVIDED, That an article which is not otherwise deemed adulterated under subsection (4) (c), (d), or (e) of this section shall nevertheless be deemed adulterated if use of the pesticide chemical, food additive, or color additive, in or on such article, is prohibited by regulations of the director in official plants;

(f) If it consists in whole or in part of any filthy, putrid, or decomposed substance, or if it is otherwise unfit for human food;

(g) If it has been prepared, packaged, or held under insanitary conditions whereby it may have become contaminated with filth, or whereby it may have been rendered injurious to health;

(h) If it is an egg which has been subjected to incubation or the product of any egg which has been subjected to incubation;

(i) If its container is composed, in whole or in part, of any poisonous or deleterious substance which may render the contents injurious to health;

(j) If it has been intentionally subjected to radiation, unless the use of the radiation was in conformity with a regulation or exemption in effect pursuant to RCW 69.04.394; or

(k) If any valuable constituent has been in whole or in part omitted or abstracted therefrom; or if any substance has been substituted, wholly or in part therefor; or if damage or inferiority has been concealed in any manner; or if any substance has been added thereto or mixed or packed therewith so as to increase its bulk or weight, or reduce its quality or strength, or make it appear better or of greater value than it is.

(5) "Capable of use as human food" shall apply to any egg or egg product unless it is denatured, or otherwise identified, as required by regulations prescribed by the director, to deter its use as human food.

(6) "Intrastate commerce" means any eggs or egg products in intrastate commerce, whether such eggs or egg products are intended for sale, held for sale, offered for sale, sold, stored, transported, or handled in this state in any manner and prepared for eventual distribution in this state, whether at wholesale or retail.

(7) "Container" or "package" includes any box, can, tin, plastic, or other receptacle, wrapper, or cover.

(8) "Immediate container" means any consumer package, or any other container in which egg products, not consumer-packaged, are packed.

(9) "Shipping container" means any container used in packaging a product packed in an immediate container.

(10) "Egg handler" or "dealer" means any person who produces, contracts for or obtains possession or control of any eggs for the purpose of sale to another dealer or retailer, or for processing and sale to a dealer, retailer or consumer: PROVIDED, That for the purpose of this chapter, "sell" or "sale" includes the following: Offer for sale, expose for sale, have in possession for sale, exchange, barter, trade, or as an inducement for the sale of another product.

(11) "Egg product" means any dried, frozen, or liquid eggs, with or without added ingredients, excepting products which contain eggs only in a relatively small proportion, or historically have not been, in the judgment of the director, considered by consumers as products of the egg food industry, and which may be exempted by the director under such conditions as he may prescribe to assure that the egg ingredients are not adulterated and such products are not represented as egg products.

(12) "Egg" means the shell egg of the domesticated chicken, turkey, duck, goose, or guinea, or any other specie of fowl.

(13) "Check" means an egg that has a broken shell or crack in the shell but has its shell membranes intact and contents not leaking.

(14) "Clean and sound shell egg" means any egg whose shell is free of adhering dirt or foreign material and is not cracked or broken.

(15) "Dirty egg" means an egg that has a shell that is unbroken and has adhering dirt or foreign material.

(16) "Incubator reject" means an egg that has been subjected to incubation and has been removed from incubation during the hatching operations as infertile or otherwise unhatchable.

(17) "Inedible" means eggs of the following descriptions: Black rots, yellow rots, white rots, mixed rots (addled eggs), sour eggs, eggs with green whites, eggs with stuck yolks, moldy eggs, musty eggs, eggs showing blood rings, and eggs containing embryo chicks (at or beyond the blood ring stage).

(18) "Leaker" means an egg that has a crack or break in the shell and shell membranes to the extent that the egg contents are exposed or are exuding or free to exude through the shell.

(19) "Loss" means an egg that is unfit for human food because it is smashed or broken so that its contents are leaking; or overheated, frozen, or contaminated; or an incubator reject; or because it contains a bloody white, large meat spots, a large quantity of blood, or other foreign material.

(20) "Restricted egg" means any check, dirty egg, incubator reject, inedible, leaker, or loss.

(21) "Inspection" means the application of such inspection methods and techniques as are deemed necessary by the director to carry out the provisions of this chapter.

(22) "Inspector" means any employee or official of the department authorized to inspect eggs or egg products under the authority of this chapter.

(23) "Misbranded" shall apply to egg products which are not labeled and packaged in accordance with the requirements prescribed by regulations of the director under section 11 of this act.

(24) "Official certificate" means any certificate prescribed by regulations of the director for issuance by an inspector or other person performing official functions under this chapter.

(25) "Official device" means any device prescribed or authorized by the director for use in applying any official mark.

(26) "Official inspection legend" means any symbol prescribed by regulations of the director showing that egg products were inspected in accordance with this chapter.

(27) "Official mark" means the official inspection legend or any other symbol prescribed by regulations of the director to identify the status of any article under this chapter.

(28) "Official plant" means any plant which is licensed under the provisions of this chapter, at which inspection of the processing of egg products is maintained by the United States department of agriculture or by the state under cooperative agreements with the United States department of agriculture or by the state.

(29) "Official standards" means the standards of quality, grades, and weight classes for eggs, adopted under the provisions of this chapter.

(30) "Pasteurize" means the subjecting of each particle of egg products to heat or other treatments to destroy harmful, viable micro-organisms by such processes as may be prescribed by regulations of the director.

(31) "Pesticide chemical", "food additive", "color additive", and "raw agricultural

commodity" shall have the same meaning for purposes of this chapter as prescribed in chapter 69.04 RCW.

(32) "Plant" means any place of business where egg products are processed.

(33) "Processing" means manufacturing egg products, including breaking eggs or filtering, mixing, blending, pasteurizing, stabilizing, cooling, freezing, drying, or packaging egg products.

(34) "Retailer" means any person in intrastate commerce who sells eggs to a consumer.

(35) "At retail" means any transaction in intrastate commerce between a retailer and a consumer.

(36) "Consumer" means any person who purchases eggs for his or her own family use or consumption; or any restaurant, hotel, boarding house, bakery, or other institution or concern which purchases eggs for serving to guests or patrons thereof, or for its own use in cooking or baking.

(37) "Candling" means the examination of the interior of eggs by the use of transmitted light used in a partially dark room or place.

NEW SECTION. Sec. 4. The purpose of this chapter is to promote uniformity of state legislation and regulations with the federal egg products inspection act, 21 U.S.C. sec. 1031, et seq., and regulations adopted thereunder. In accord with such declared purpose, any regulations adopted under the federal egg products inspection act relating to eggs and egg products, as defined in section 3 (11) and (12) of this act, in effect on July 1, 1975, are hereby deemed to have been adopted under the provisions hereof. Further, to promote such uniformity, any regulations adopted hereafter under the provisions of the federal egg products inspection act relating to eggs and egg products, as defined in section 3 (11) and (12) of this act, and published in the federal register, shall be deemed to have been adopted under the provisions of this chapter in accord with chapter 34.04 RCW, as now or hereafter amended. The director may, however, within thirty days of the publication of the adoption of any such regulation under the federal egg products inspection act, give public notice that a hearing will be held to determine if such regulations shall not be applicable under the provisions of this chapter. Such hearing shall be in accord with the requirements of chapter 34.04 RCW, as now or hereafter amended.

The director, in addition to the foregoing, may adopt any rule and regulation necessary to carry out the purpose and provisions of this chapter.

NEW SECTION. Sec. 5. The adoption, amendment, modification, or revocation of any rules or regulations under the provisions of this chapter, or the holding of a hearing in regard to a license issued or which may be issued or denied under the provisions of this chapter, shall be subject to the applicable provisions of chapter 34.04 RCW, the administrative procedure act, as now or hereafter amended.

NEW SECTION. Sec. 6. No person shall act as an egg handler or dealer without first obtaining an annual license and permanent dealer's number from the department; such license shall expire on the thirtieth day of June following issuance. Application for a license shall be on a form prescribed by the director and accompanied by a ten dollar annual license fee. Duplicate copies of the license may be issued upon payment of five dollars. A copy of said license shall be posted at each location where such licensee operates. Such application shall include the full name of the applicant for the license and the location of each facility he intends to operate. If such applicant is an individual, receiver, trustee, firm, partnership, association or corporation, the full name of each member of the firm or partnership or the names of the officers of the association or corporation shall be given on the application. Such application shall further state the principal business address of the applicant in the state and elsewhere and the name of a person domiciled in this state authorized to receive and accept service of summons of legal notices of all kinds for the applicant and any other necessary information prescribed by the director. Upon the approval of the application and compliance with the provisions of this chapter, including the applicable regulations adopted hereunder by the department, the applicant shall be issued a license or renewal thereof. Such license and permanent egg handler or dealer's number shall be nontransferable.

NEW SECTION. Sec. 7. If the application for the renewal of an egg handler's or dealer's license is not filed before July 1st of any year, an additional fee of five dollars shall be assessed and added to the original fee and shall be paid by the applicant before the renewal license shall be issued: **PROVIDED**, That such additional fee shall not be charged if the applicant furnishes an affidavit certifying that he has not acted as an egg handler or dealer subsequent to the expiration of his license.

NEW SECTION. Sec. 8. The department may deny, suspend, revoke, or issue a license or a conditional license if it determines that an applicant or licensee has committed any of the following acts:

(1) That the applicant or licensee is violating or has violated any of the provisions of this chapter or rules and regulations adopted thereunder.

(2) That the application contains any materially false or misleading statement or involves any misrepresentation by any officer, agent, or employee of the applicant.

(3) That the applicant or licensee has concealed or withheld any facts regarding any violation of this chapter by any officer, agent, or employee of the applicant or licensee.

NEW SECTION. Sec. 9. (1) For the purpose of preventing the entry into or movement in intrastate commerce of any egg product which is capable of use as human food and is misbranded or adulterated, the director shall, whenever processing operations are being conducted, unless under inspection by the United States department of agriculture, cause continuous inspection to be made, in accordance with the regulations promulgated under this chapter, of the processing of egg products, in each plant processing egg products for commerce, unless exempted under section 18 of this act. Without restricting the application of the preceding sentence to other kinds of establishments within its provisions, any food manufacturing establishment, institution, or restaurant which uses any eggs that do not meet the requirements of section 18(1)(a) of this act in the preparation of any articles for human food, shall be deemed to be a plant processing egg products, with respect to such operations.

(2) The director, at any time, shall cause such retention, segregation, and reinspection as he deems necessary of eggs and egg products capable of use as human food in each official plant.

(3) Eggs and egg products found to be adulterated at official plants shall be condemned, and if no appeal be taken from such determination or condemnation, such articles shall be destroyed for human food purposes under the supervision of an inspector: **PROVIDED**, That articles which may by reprocessing be made not adulterated need not be condemned and destroyed if so reprocessed under the supervision of an inspector and thereafter found to be not adulterated. If an appeal be taken from such determination, the eggs or egg products shall be appropriately marked and segregated pending completion of an appeal inspection, which appeal shall be at the cost of the appellant if the director determines that the appeal is frivolous. If the determination of condemnation is sustained, the eggs or egg products shall be destroyed for human food purposes under the supervision of an inspector.

(4) The director shall cause such other inspections to be made of the business premises, facilities, inventory, operations, and records of egg handlers, and the records and inventory of other persons required to keep records under section 15 of this act, as he deems appropriate (and in the case of shell egg packers, packing eggs for the ultimate consumer, at least once each calendar quarter) to assure that only eggs fit for human food are used for such purpose, and otherwise to assure compliance by egg handlers and other persons with the requirements of section 15 of this act, except that the director shall cause such inspections to be made as he deems appropriate to assure compliance with such requirements at food manufacturing establishments, institutions, and restaurants, other than plants processing egg products. Representatives of the director shall be afforded access to all such places of business for purposes of making the inspections provided for in this chapter.

NEW SECTION. Sec. 10. (1) The operator of each official plant shall operate such plant in accordance with such sanitary practices and shall have such premises, facilities, and equipment as are required by regulations promulgated by the director to effectuate

the purposes of this chapter, including requirements for segregation and disposition of restricted eggs.

(2) The director shall refuse to render inspection to any plant whose premises, facilities, or equipment, or the operation thereof, fail to meet the requirements of this section.

NEW SECTION. Sec. 11. (1) Egg products inspected at any official plant under the authority of this chapter and found to be not adulterated shall be pasteurized before they leave the official plant, except as otherwise permitted by regulations of the director, and shall at the time they leave the official plant, bear in distinctly legible form on their shipping containers or immediate containers, or both, when required by regulations of the director, the official inspection legend and official plant number, of the plant where the products were processed, and such other information as the director may require by regulations to describe the products adequately and to assure that they will not have false or misleading labeling.

(2) No labeling or container shall be used for egg products at official plants if it is false or misleading or has not been approved as required by the regulations of the director. If the director has reason to believe that any labeling or the size or form of any container in use or proposed for use with respect to egg products at any official plant is false or misleading in any particular, he may direct that such use be withheld unless the labeling or container is modified in such manner as he may prescribe so that it will not be false or misleading. If the person using or proposing to use the labeling or container does not accept the determination of the director, such person may request a hearing, but the use of the labeling or container shall, if the director so directs, be withheld pending hearing and final determination by the director. Any such determination by the director shall be conclusive unless, within thirty days after receipt of notice of such final determination, the person adversely affected thereby appeals to the superior court in the county in which such person has its principal place of business.

NEW SECTION. Sec. 12. (1) No person shall buy, sell, or transport, or offer to buy or sell, or offer or receive for transportation, in any business in intrastate commerce any restricted eggs, capable of use as human food, except as authorized by regulations of the director under such conditions as he may prescribe to assure that only eggs fit for human food are used for such purpose.

(2) No egg handler shall possess with intent to use, or use, any restricted eggs in the preparation of human food for intrastate commerce except that such eggs may be so possessed and used when authorized by regulations of the director under such conditions as he may prescribe to assure that only eggs fit for human food are used for such purpose.

(3) No person shall process any egg products for intrastate commerce at any plant except in compliance with the requirements of this chapter.

(4) No person shall buy, sell, or transport, or offer to buy or sell, or offer or receive for transportation, in intrastate commerce any egg products required to be inspected under this chapter unless they have been so inspected and are labeled and packaged in accordance with the requirements of section 11 of this act.

(5) No operator of any official plant shall allow any egg products to be moved from such plant if they are adulterated or misbranded and capable of use as human food.

(6) No person shall:

(a) Manufacture, cast, print, lithograph, or otherwise make any device containing any official mark or simulation thereof, or any label bearing any such mark or simulation, or any form of official certificate or simulation thereof, except as authorized by the director;

(b) Forge or alter any official device, mark, or certificate;

(c) Without authorization from the director, use any official device, mark, or certificate, or simulation thereof, or detach, deface, or destroy any official device or mark; or use any labeling or container ordered to be withheld from use under section 11 of this act after final judicial affirmance of such order or expiration of the time for appeal if no appeal is taken under said section;

(d) Contrary to the regulations prescribed by the director, fail to use, or to detach, deface, or destroy any official device, mark, or certificate;

(e) Knowingly possess, without promptly notifying the director or his representative, any official device or any counterfeit, simulated, forged, or improperly altered official certificate or any device or label, or any eggs or egg products bearing any counterfeit, simulated, forged, or improperly altered official mark;

(f) Knowingly make any false statement in any shipper's certificate or other nonofficial or official certificate provided for in the regulations prescribed by the director;

(g) Knowingly represent that any article has been inspected or exempted, under this chapter when in fact it has not been so inspected or exempted; and

(h) Refuse access, at any reasonable time, to any representative of the director, to any plant or other place of business subject to inspection under any provisions of this chapter.

(7) No person, while an official or employee of the state or local governmental agency, or thereafter, shall use to his own advantage, or reveal other than to the authorized representatives of the United States government or the state in their official capacity, or as ordered by a court in a judicial proceeding, any information acquired under the authority of this chapter concerning any matter which the originator or relator of such information claims to be entitled to protection as a trade secret.

NEW SECTION. Sec. 13. The director shall, whenever he determines that it would effectuate the purposes of this chapter, cooperate with any state, federal or other governmental agencies in carrying out any provisions of this chapter. In carrying out the provisions of this chapter, the director may conduct such examinations, investigations, and inspections as he determines practicable through any officer or employee of any such agency commissioned by him for such purpose.

NEW SECTION. Sec. 14. Inspection shall not be provided under this chapter at any plant for the processing of any egg products which are not intended for use as human food, but such articles, prior to their offer for sale or transportation in intrastate commerce, shall be denatured or identified as prescribed by regulations of the director to deter their use for human food. No person shall buy, sell, or transport or offer to buy or sell, or offer or receive for transportation, in intrastate commerce, any restricted eggs or egg products which are not intended for use as human food unless they are denatured or identified as required by the regulations of the director.

NEW SECTION. Sec. 15. For the purpose of enforcing the provisions of this chapter and the regulations promulgated thereunder, all persons engaged in the business of transporting, shipping, or receiving any eggs or egg products in intrastate commerce or in interstate commerce, or holding such articles so received, and all egg handlers, shall maintain such records showing, for such time and in such form and manner, as the director may prescribe, to the extent that they are concerned therewith, the receipt, delivery, sale, movement, and disposition of all eggs and egg products handled by them, and shall, upon the request of the director, permit him at reasonable times to have access to and to copy all such records.

NEW SECTION. Sec. 16. (1) Any person who commits any offense prohibited by section 12 of this act shall upon conviction be guilty of a gross misdemeanor. When construing or enforcing the provisions of section 12 of this act, the act, omission, or failure of any person acting for or employed by any individual, partnership, corporation, or association within the scope of his employment or office shall in every case be deemed the act, omission, or failure of such individual, partnership, corporation, or association, as well as of such person.

(2) No carrier or warehouseman shall be subject to the penalties of this chapter, other than the penalties for violation of section 15 of this act, or subsection (3) of this section, by reason of his receipt, carriage, holding, or delivery, in the usual course of business, as a carrier or warehouseman of eggs or egg products owned by another person unless the carrier or warehouseman has knowledge, or is in possession of facts which would cause a reasonable person to believe that such eggs or egg products were not eligible for transportation under, or were otherwise in violation of, this chapter, or unless the carrier or warehouseman refuses to furnish on request of a representative of

the director the name and address of the person from whom he received such eggs or egg products and copies of all documents, if there be any, pertaining to the delivery of the eggs or egg products to, or by, such carrier or warehouseman.

(3) Notwithstanding any other provision of law any person who forcibly assaults, resists, impedes, intimidates, or interferes with any person while engaged in or on account of the performance of his official duties under this chapter shall be punished by a fine of not more than five thousand dollars or imprisonment in the state penitentiary for not more than three years, or both. Whoever, in the commission of any such act, uses a deadly or dangerous weapon, shall be punished by a fine of not more than ten thousand dollars or by imprisonment in the state penitentiary for not more than ten years, or both.

NEW SECTION. Sec. 17. Before any violation of this chapter, other than of section 16(3) of this act, is reported by the director to any prosecuting attorney for institution of a criminal proceeding, the person against whom such proceeding is contemplated shall be given reasonable notice of the alleged violation and opportunity to present his views orally or in writing with regard to such contemplated proceeding. Nothing in this chapter shall be construed as requiring the director to report for criminal prosecution violation of this chapter whenever he believes that the public interest will be adequately served and compliance with this chapter obtained by a suitable written notice of warning.

NEW SECTION. Sec. 18. (1) The director may, by regulation and under such conditions and procedures as he may prescribe, exempt from specific provisions of this chapter:

(a) The sale, transportation, possession, or use of eggs which contain no more restricted eggs than are allowed by the tolerance in the official state standards for consumer grades for shell eggs;

(b) The processing of egg products at any plant where the facilities and operating procedures meet such sanitary standards as may be prescribed by the director, and where the eggs received or used in the manufacture of egg products contain no more restricted eggs than are allowed by the official standards of the state consumer grades for shell eggs, and the egg products processed at such plant;

(c) The sale of eggs by any poultry producer from his own flocks directly to a household consumer exclusively for use by such consumer and members of his household and his nonpaying guests and employees, and the transportation, possession, and use of such eggs in accordance with this subsection;

(d) The sale of eggs by shell egg packers on his own premises directly to household consumers for use by such consumer and members of his household and his nonpaying guests and employees, and the transportation, possession, and use of such eggs in accordance with this subsection; and

(e) The sale of eggs by any egg producer with an annual egg production from a flock of three thousand or less hens.

(2) The director may modify or revoke any regulation granting exemption under this chapter whenever he deems such action appropriate to effectuate the purposes of this chapter.

NEW SECTION. Sec. 19. The director may limit the entry of eggs and egg products and other materials into official plants under such conditions as he may prescribe to assure that allowing the entry of such articles into such plants will be consistent with the purposes of this chapter.

NEW SECTION. Sec. 20. Whenever any eggs or egg products subject to this chapter are found by any authorized representative of the director upon any premises and there is reason to believe that they are or have been processed, bought, sold, possessed, used, transported, or offered or received for sale or transportation in violation of this chapter, or that they are in any other way in violation of this chapter, or whenever any restricted eggs capable of use as human food are found by such a representative in the possession of any person not authorized to acquire such eggs under the regulations of the director, such articles may be embargoed by such representative for a reasonable period but not to exceed twenty days, pending action under section 21 of this act or no-

tification of any federal or other governmental authorities having jurisdiction over such articles, and shall not be moved by any person from the place at which they are located when so detained until released by such representative. All official marks may be required by such representative to be removed from such articles before they are released unless it appears to the satisfaction of the director that the articles are eligible to retain such marks.

NEW SECTION. Sec. 21. When the director has embargoed any eggs or egg products, he shall petition the superior court of the county in which the eggs or egg products are located for an order affirming such embargo. Such court shall have jurisdiction for cause shown and after a prompt hearing to any claimant of eggs or egg products, shall issue an order which directs the removal of such embargo or the destruction or correction and release of such eggs and egg products. An order for destruction or the correction and release of such eggs and egg products shall contain such provision for the payment of pertinent court costs and fees and administrative expenses as is equitable and which the court deems appropriate in the circumstances. An order for correction and release may contain such provisions for a bond as the court finds indicated in the circumstance.

NEW SECTION. Sec. 22. The director need not petition the superior court as provided for in section 21 of this act if the owner or claimant of such eggs or egg products agrees in writing to the disposition of such eggs or egg products as the director may order.

NEW SECTION. Sec. 23. Two or more petitions under section 21 of this act which pend at the same time and which present the same issue and claimant hereunder may be consolidated for simultaneous determination by one court of competent jurisdiction, upon application to any court of jurisdiction by the director or claimant.

NEW SECTION. Sec. 24. The claimant in any proceeding by petition under section 21 of this act shall be entitled to receive a representative sample of the article subject to such proceedings upon application to the court of competent jurisdiction made at any time after such petition and prior to the hearing thereon.

NEW SECTION. Sec. 25. No state court shall allow the recovery of damages for administrative action for condemnation under the provisions of this chapter, if the court finds that there was probable cause for such action.

NEW SECTION. Sec. 26. There is hereby levied an assessment not to exceed two and one-half mills per dozen eggs entering intrastate commerce, as prescribed by rules and regulations issued by the director. Such assessment shall be applicable to all eggs entering intrastate commerce except as provided in sections 18 and 30. Such assessment shall be paid to the director on a monthly basis on or before the tenth day following the month such eggs enter intrastate commerce. The director may require reports by egg handlers or dealers along with the payment of the assessment fee. Such reports may include any and all pertinent information necessary to carry out the purposes of this chapter. The director may, by regulations, require egg container manufacturers to report on a monthly basis all egg containers sold to any egg handler or dealer and bearing such egg handler or dealer's license number.

NEW SECTION. Sec. 27. Any egg handler or dealer may prepay the assessment provided for in section 26 of this act by purchasing Washington state egg seals from the director to be placed on egg containers showing that the proper assessment has been paid. Any carton manufacturer may apply to the director for a permit to place reasonable facsimiles of the Washington state egg seals to be imprinted on egg containers. The director shall, from time to time, prescribe rules and regulations governing the affixing of seals and he is authorized to cancel any such permit issued pursuant to this chapter, whenever he finds that a violation of the terms under which the permit has been granted has been violated.

NEW SECTION. Sec. 28. Every egg handler or dealer who pays assessments required under the provisions of this chapter on a monthly basis in lieu of seals shall be subject to audit by the director on an annual basis or more frequently if necessary. The cost to the director for performing such audit shall be chargeable to and payable by the egg handler or dealer subject to audit. Failure to pay assessments when due or refusal to

pay for audit costs may be cause for a summary suspension of an egg handler's or dealer's license and a charge of one percent per month, or fraction thereof shall be added to the sum due the director, for each remittance not received by the director when due. The conditions and charges applicable to egg handlers and dealers set forth herein shall also be applicable to payments due the director for facsimiles of seals placed on egg containers.

NEW SECTION. Sec. 29. The proceeds from assessment fees paid to the director shall be retained for the inspection of eggs and carrying out the provisions of this chapter relating to eggs.

NEW SECTION. Sec. 30. The assessments provided in this chapter shall not apply to:

- (1) Sale and shipment to points outside of this state;
- (2) Sale to the United States government and its instrumentalities;
- (3) Sale to breaking plants for processing into egg products;
- (4) Sale to consumers at the place of production or processing;
- (5) Bulk sale of eggs; or
- (6) Sale between egg dealers.

NEW SECTION. Sec. 31. All moneys in the state egg account, created by RCW 69.24.450, at the time of the effective date of this act, shall be transferred to the director and shall be retained and expended for administering and carrying out the purposes of this chapter.

NEW SECTION. Sec. 32. All containers used by an egg handler or dealer to package eggs shall bear the name and address or the permanent number issued by the director to said egg handler or dealer. Such permanent number shall be displayed in a size and location prescribed by the director. It shall constitute a gross misdemeanor for any egg handler or dealer to reuse a container which bears the permanent number of another egg handler or dealer unless such number is totally obliterated prior to reuse. The director may in addition require the obliteration of any or all markings that may be on any container which will be reused for eggs by an egg handler or dealer.

NEW SECTION. Sec. 33. In addition to any other records required to be kept and furnished the director under the provisions of this chapter, the director may require any person who sells to any retailer, or to any restaurant, hotel, boarding house, bakery, or any institution or concern which purchases eggs for serving to guests or patrons thereof or for its use in preparation of any food product for human consumption, candled or graded eggs other than those of his own production sold and delivered on the premises where produced, to furnish that retailer or other purchaser with an invoice covering each such sale, showing the exact grade or quality, and the size or weight of the eggs sold, according to the standards prescribed by the director, together with the name and address of the person by whom the eggs were sold. The person selling and the retailer or other purchaser shall keep a copy of said invoice on file at his place of business for a period of thirty days, during which time the copy shall be available for inspection at all reasonable times by the director: PROVIDED, That no retailer or other purchaser shall be guilty of a violation of this chapter if he can establish a guarantee from the person from whom the eggs were purchased to the effect that they, at the time of purchase, conformed to the information required by the director on such invoice: PROVIDED FURTHER, That if the retailer or other purchaser having labeled any such eggs in accordance with the invoice keeps them for such a time after they are purchased as to cause them to deteriorate to a lower grade or standard, and sells them under the label of the invoice grade or standard, he shall be guilty of a violation of this chapter.

No invoice shall be required on eggs when packed for sale to the United States department of defense, or a component thereof, if labeled with grades promulgated by the United States secretary of agriculture.

NEW SECTION. Sec. 34. The enactment of this chapter shall not have the effect of terminating or in any way modifying any liability, civil or criminal, which shall already be in existence on the effective date of this act.

NEW SECTION. Sec. 35. Any person violating any provision of this chapter or regulations for which a penalty is not specifically provided for in this chapter, shall be

guilty of a misdemeanor and guilty of a gross misdemeanor for any subsequent violation: PROVIDED, That any offense committed more than five years after a previous conviction shall be considered a first offense.

NEW SECTION. Sec. 36. The provisions of this chapter shall be cumulative and nonexclusive and shall not affect any other remedy at law.

NEW SECTION. Sec. 37. 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. 38. This act may be known and cited as the "Washington wholesome eggs and egg products act".

NEW SECTION. Sec. 39. The following acts or parts of acts are each hereby repealed:

(1) Sections 1 through 4, chapter 193, Laws of 1955 and RCW 69.24.130 through 69.24.160;

(2) Section 5, chapter 193, Laws of 1955, section 1, chapter 54, Laws of 1961 and RCW 69.24.170;

(3) Sections 6 through 9, chapter 193, Laws of 1955 and RCW 69.24.180 through 69.24.210;

(4) Section 10, chapter 193, Laws of 1955, section 49, chapter 240, Laws of 1967 and RCW 69.24.220;

(5) Sections 11 through 13, chapter 193, Laws of 1955 and RCW 69.24.230 through 69.24.250;

(6) Section 14, chapter 193, Laws of 1955, section 50, chapter 240, Laws of 1967 and RCW 69.24.260;

(7) Sections 15 through 31, chapter 193, Laws of 1955 and RCW 69.24.270 through 69.24.430;

(8) Section 33, chapter 193, Laws of 1955 and RCW 69.24.450;

(9) Section 34, chapter 193, Laws of 1955 and RCW 69.24.900; and

(10) Section 35, chapter 193, Laws of 1955 and RCW 69.24.910.

NEW SECTION. Sec. 40. 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 on July 1, 1975."

In line 1 of the title, strike all after "AN ACT" down to the period on line 18 and substitute "Relating to eggs and egg production; adding a new chapter to Title 69 RCW; repealing sections 1 through 4, chapter 193, Laws of 1955 and RCW 69.24.130 through 69.24.160; repealing section 5, chapter 193, Laws of 1955, section 1, chapter 54, Laws of 1961 and RCW 69.24.170; repealing sections 6 through 9, chapter 193, Laws of 1955 and RCW 69.24.180 through 69.24.210; repealing section 10, chapter 193, Laws of 1955, section 49, chapter 240, Laws of 1967 and RCW 69.24.220; repealing sections 11 through 13, chapter 193, Laws of 1955 and RCW 69.24.230 through 69.24.250; repealing section 14, chapter 193, Laws of 1955, section 50, chapter 240, Laws of 1967 and RCW 69.24.260; repealing sections 15 through 31, chapter 193, Laws of 1955 and RCW 69.24.270 through 69.24.430; repealing section 33, chapter 193, Laws of 1955 and RCW 69.24.450; repealing section 34, chapter 193, Laws of 1955 and RCW 69.24.900; repealing section 35, chapter 193, Laws of 1955 and RCW 69.24.910; providing for assessments; prescribing penalties; declaring an emergency; and setting an effective date".

Signed by: Senators Jolly, Chairman; Benitz, Day, Sellar, Wilson.

The bill was read the second time by sections.

Senator Jolly moved adoption of the committee amendment.

Senator Goltz moved adoption of the following amendment to the committee amendment:

Amend the Senate Committee amendment on page 19, following section 36, add a new section to read as follows:

"*NEW SECTION.* Sec. 37. The provisions of this act shall not be applicable to producers of eggs owning, maintaining or operating a chicken farm of less than one hundred birds."

The motion by Senator Goltz carried and the amendment to the committee amendment was adopted.

The motion by Senator Jolly carried and the committee amendment, as amended, was adopted.

MOTIONS

On motion of Senator Jolly, further consideration of Engrossed House Bill No. 95, as amended, was ordered held.

MOTION

At 11:06 a.m., on motion of Senator Mardesich, the Senate recessed until 12:20 p.m.

AFTERNOON SESSION

The President called the Senate to order at 12:20 p.m.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of Engrossed House Bill No. 155.

SECOND READING

ENGROSSED HOUSE BILL NO. 155, by Representatives Seeberger, Smith (Rick), Knowles and Eikenberry:

Defining duties of the prosecuting attorney; authorizing the employment of special deputy prosecutors under certain circumstances.

The bill was read the second time by sections.

Senator Marsh moved adoption of the following amendment:

On page 3, line 8, after "attorney" strike all the matter down to the period on line 9.

Debate ensued.

The motion by Senator Marsh failed and the amendment was not adopted.

Senator Marsh moved adoption of the following amendment:

On page 3, line 17, after "basis" strike the remainder of the sentence and insert "*in cases where the issues involved require the legal expertise which the special deputy prosecuting attorney possesses or where the prosecuting attorney has disqualified himself to comply with his responsibilities under the code of professional responsibility or other code of ethics adopted by the Washington state supreme court.*"

Senator Wilson moved adoption of the following amendment to the amendment by Senator Marsh:

Amend the Marsh amendment to page 3, line 17, as follows: On the last line of the amendment, after "court" and before the period insert "*or when the prosecuting attorney is unable to retain an attorney resident in his county to serve as a deputy prosecutor*".

PARLIAMENTARY INQUIRY

Senator Henry: "With the defeat of the first Marsh amendment there is no restriction then, is there, on county lines under the terms of this bill?"

REPLY BY THE PRESIDENT

The President: "Senator, your point is well taken. There are no restrictions."

MOTION

At 12:45 p.m., on motion of Senator Mardesich, the Senate recessed until 1:30 p.m.

SECOND AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.

The Senate resumed consideration of Engrossed House Bill No. 155, and the amendment by Senator Marsh and an amendment by Senator Wilson to the amendment by Senator Marsh which were moved for adoption prior to the noon recess.

There being no objection, on motion of Senator Marsh, on the last line of the amendment by Senator Wilson to the amendment by Senator Marsh, after "a" and before "deputy" the word "special" was inserted.

POINT OF INQUIRY

Senator Sellar: "Would Senator Wilson yield to a question? Just a point of clarification. If I understand this amendment correctly, in the case of Wenatchee, East Wenatchee, then the prosecutor would not be able to hire someone from East Wenatchee if in fact he could find anybody in Chelan County willing to do the work. Is that right?"

Senator Wilson: "Senator Sellar, that is the provision in Senator Marsh's amendment. The amendment to the amendment is seeking to relieve that situation wherein the prosecutor could not find somebody willing to help him as a special deputy resident in his county."

Senator Sellar: "Yes, but in this case then he would have to find no one in Chelan County willing to do that before he would have the option of being able to go across the river?"

Senator Wilson: "That is correct."

Senator Sellar: "Thank you, Senator."

MOTIONS

On motion of Senator Lewis (R. H. "Bob"), Senators Gould, Jones and Matson were excused.

On motion of Senator Knoblauch, Senators Goltz and Sandison were excused.

The President declared the question before the Senate to be adoption of the amendment by Senator Wilson to the amendment by Senator Marsh.

The motion by Senator Wilson failed and the amendment to the amendment was not adopted.

The motion by Senator Marsh failed and the amendment was not adopted.

Senator Mardesich moved adoption of the following amendments:

On page 3, line 22 of the engrossed bill and the printed bill, after "*shall*" strike "*not*" and after "*under*" strike "*the*" and insert "*all*".

On page 3, line 24, strike all of line 24 and down through "*attorney*" on line 25.

Debate ensued.

POINT OF INQUIRY

Senator Lewis (Harry): "Would Senator Francis yield? Senator Francis, I do not understand then really what either one of you are trying to get to, but I do see a problem. On line 22 it says that these special prosecutors shall not be under the legal disabilities attendant upon prosecuting attorneys or their deputies. Now I had the staff pull what I thought were the legal disabilities and I think you have a copy in front of you. One of the legal disabilities attendant upon prosecuting attorneys is, for example, that they have their office at the county seat. Now how would that, when you say that the special prosecutor shall not be under the legal disability, that legal requirement is the way I understand it to mean, would it mean then that the special prosecutor would not have to have his officer there in the county seat? Is that correct?"

Senator Francis: "That is correct, Senator Lewis."

Senator Lewis (Harry): "Okay, then, one of the other disabilities would be that a prosecutor or deputy prosecutor must be admitted to the bar under 36.27.010. When you say 'shall not be under the legal disability, under the legal requirements' would that mean then that a special deputy would not have to be admitted to the bar?"

Senator Francis: "No, that would not mean that. It says 'deputy prosecuting attor-

ney' and by requiring him to be an attorney, the RCW relating to attorneys would apply."

Senator Lewis (Harry): "I guess I am going to have to yield to Senator Clarke or Senator Marsh, and I just think there is a gray area here. At least it is not clear to me and I would hope that you could clarify it."

Senator Francis: "Well, for example, your first question about the office in the county seat. Now perhaps you hire someone to pursue a matter as a special deputy, under contract, to pursue a matter involving some fraudulent transactions that are taking place in one of the small outlying towns in the county. You want the person to be able to take depositions there, to exercise discovery there and to pursue it there so you hire someone who has his office there and can function best in that area and will not have to travel sixty, eighty, one hundred miles, whatever, every day in order to do it. If we adopt Senator Mardesich's amendment you just could not do that. You would have to have somebody whose office was right there in the county seat."

Senator Lewis (Harry): "But, Senator, if that fits, and I agree with that, I am not arguing whether he should be there or not. I think that makes sense; but if it applies that he shall not be required to have an office at the county seat, why then as broad as that statement is, why should he have to be admitted to the bar? Why is he not required not to practice private law under the restrictions of 36.27.060 for the prosecutor? Or why should he not be commissioned in writing by the PA, filed with the auditor? It just seems to me if one applies, then they should all apply. Is that incorrect?"

Senator Francis: "I have already explained, Senator Lewis, that I think that by putting in the word 'attorney' there that takes care of that. By asking me the question, you also have the legislative history of that intent. I do not know what more you need to be satisfied. For that matter, I do not know that it matters. Again, we are talking about a person who is elected by the public and who has to make some judgments."

The motion by Senator Mardesich failed and the amendments were not adopted.

Senator Francis moved adoption of the following amendment:

On page 4, after section 3 add a new section to read as follows:

"*NEW SECTION.* Sec. 4. 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 Francis carried and the amendment was adopted on a rising vote.

On motion of Senator Francis, the following amendment to the title was adopted:

In line 5 of the title after "RCW 2.48.200" and before the period insert "and declaring an emergency".

On motion of Senator Francis, the rules were suspended, Engrossed House Bill No. 155, 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. 155, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 41; nays, 3; absent or not voting, 1; excused, 4.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Donohue, Francis, Goltz, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, McDermott, Morrison, Murray, Newschwander, North, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, Walgren, Wanamaker, Washington, Wilson, Woody—41.

Voting nay: Senators Fleming, Marsh, von Reichbauer—3.

Absent or not voting: Senator Odegaard—1.

Excused: Senators Day, Gould, Grant, Matson—4.

ENGROSSED HOUSE BILL NO. 155, 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. 2376, by Senators Guess and Cunningham:
Prescribing rights of private property owners.

MOTION

On motion of Senator Rasmussen, Substitute Senate Bill No. 2376 was substituted for Senate Bill No. 2376, and the substitute bill was placed on second reading and read the second time in full.

MOTION

On motion of Senator Washington, Substitute Senate Bill No. 2376 was ordered placed at the beginning of the second reading calendar for Thursday, April 24, 1975.

MOTION

At 2:07 p.m., on motion of Senator Bailey, the Senate recessed until 3:48 p.m.

SECOND AFTERNOON SESSION

The President called the Senate to order at 3:48 p.m.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of Senate Bill No. 2628.

SECOND READING

SENATE BILL NO. 2628, by Senators Sandison, Benitz, Guess, Scott and Goltz:
Enacting new law relating to regulation of post-secondary proprietary schools and their agents.

MOTION

On motion of Senator Sandison, Second Substitute Senate Bill No. 2628 was substituted for Senate Bill No. 2628, and the second substitute bill was placed on second reading and read the second time in full.

POINT OF INQUIRY

Senator Bottiger: "Would Senator Sandison yield to a question, please? Senator Sandison, I was taking up with your staff the question of those schools which are regulated by the FAA and they were trying to prepare for me an amendment that would not remove those schools from the regulatory provisions of the bill, but from the qualifying or bonding — things of that nature. I am surprised that we moved directly to the bill, and I wonder if you would have any objection to putting it over until tomorrow until those amendments are ready?"

Senator Sandison: "No, I would have no objection if you wanted to move it over. However, there are sixty-some of those flying schools and it pretty much takes away the financial funding of the bill."

MOTION

On motion of Senator Bottiger, Second Substitute Senate Bill No. 2628 was ordered to hold its place on the second reading calendar for Thursday, April 24, 1975.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of House Bill No. 324.

SECOND READING

HOUSE BILL NO. 324, by Representatives Randall, Martinis, Ceccarelli, Chatalas, Paris, Kuehnle and Nelson:

Exempting cargo containers from property taxation.

The bill was read the second time by sections.

On motion of Senator Donohue, the rules were suspended, House Bill No. 324 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Cunningham: "Would Senator Donohue yield to a question? Senator Donohue, are the trailers that are driven on the highway exempt from property tax?"

Senator Donohue: "The trailers? No, they pay in lieu of taxes."

Senator Cunningham: "What do they pay?"

Senator Donohue: "They pay truck fees."

Senator Cunningham: "Is there a property tax on truck trailers? That is what I need to know."

Senator Donohue: "No, it is not actually a property tax. It is a license fee, an excise tax."

Senator Cunningham: "Is there any kind of tax on these cargo containers, if this passes, that are used as trailers on the highways?"

Senator Donohue: "The container is a box, as you well know."

Senator Cunningham: "Yes."

Senator Donohue: "I think the answer is that King County is at the present time taxing those containers, yes."

Senator Cunningham: "My point is, they have these rigged, some of the ones I have seen, where they just spike onto a set of wheels and they are used as literally trailers for moving that freight from here on elsewhere in the state or nation and I want to know if in exempting this now we are exempting any tax against that?"

Senator Talley: "The American containers will be the only ones having the tax. The foreign containers are not. As far as the freight lines are concerned, that take and haul those containers, yes, they are under tax. They are paying the road tax and everything like that. It is the foreign containers that are going through tax free and our containers are coming under the property tax. Most of these containers come off of the ship and they are gone from the dock within forty-eight hours. They shunt onto a railroad car or on a truck trailer and are taken out through the state or out of the state. A lot of them go out of the state. A lot go as far east as Chicago."

POINT OF INQUIRY

Senator Cunningham: "Would Senator Donohue yield to another question? I am not sure that I understood the full impact of Senator Talley's response. I specifically want to know, these Matsui containers that are made in Japan that have freight, etc., put in them, shipped over, taken off the boat, put on a set of wheels, and trucked in the state of Washington; are those now going to be exempt from any tax?"

Senator Donohue: "Senator, those containers that are made in Japan and that are sent over here are not taxed, at the present time, and when you say 'put on a set of wheels' I think you are confusing two things. The containers that I know of that set around in eastern Washington are just boxes. They do not have any wheels on them and you do not hook a set of wheels on them. You set them on a truck,"

Senator Cunningham: "Senator Donohue, I am not an expert on these containers, but I can assure you that in Seattle there are these same boxes and they are stockpiling spikes and wheels which the boxes are then set on and with simply dropping four bolts they are fastened and they can be hooked to a standard tractor and taken anywhere a

truck and trailer will go. This is in lieu of having to transport or transfer the contents of this container to, say, a registered freight hauler in this state who does pay taxes; and what I want to know is, is this going to make for a tax break for unfair competition?"

Senator Donohue: "I do not think so. Senator Murray, do you want to answer that?"

Senator Murray: "This is an exemption from personal property tax. What you are talking about has to do with an automobile or a truck license. This is not an exemption for that. It would not exempt it."

POINT OF INQUIRY

Senator Cunningham: "Senator Murray, maybe you can answer the question. Is there a property tax on the trailers that most people in the state of Washington use today? That is all I want to know."

Senator Murray: "No."

Senator Beck: "Senator Cunningham, no, there is no tax on these foreign-owned boxes. The minute you put that on a truck though, those wheels have to have a license and we also have to have a gross weight fee, and they must comply with our motor vehicle excise tax laws and some of those big trucks are paying . . . a seventy-six thousand pounder is paying over eight thousand dollars a year, but we do not have the authority to levy a tax, a property tax, on a box that is owned by the Japanese firm or the Russian firm. That is the purpose of this bill, is these Russians and Japanese and all these other foreign boxes which are absolutely tax free and we have no authority to tax in interstate commerce or international commerce. That is the federal government. Those are tax free. This bill is to exempt our domestically owned boxes or containers, but they do pay a tax when they get that thing on the highway. The trailer has to be licensed for so many thousand pounds and they pay that weight fee."

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 324, and the bill passed the Senate by the following vote: Yeas, 40; nays, 6; absent or not voting, 1; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Donohue, Fleming, Francis, Gould, Guess, Henry, Herr, Jolly, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, Walgren, Wanamaker—40.

Voting nay: Senators Goltz, Jones, McDermott, Washington, Wilson, Woody—6.

Absent or not voting: Senator von Reichbauer—1.

Excused: Senators Day, Grant—2.

HOUSE BILL NO. 324, having received the 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 Guess, Engrossed House Bill No. 155, as amended by the Senate, was ordered immediately transmitted to the House.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of Engrossed House Bill No. 385.

SECOND READING

ENGROSSED HOUSE BILL NO. 385, by Representatives Kilbury, Tilly, Becker and Hansen:

Increasing the assessment per head on cattle.

REPORT OF STANDING COMMITTEE

March 7, 1975.

ENGROSSED HOUSE BILL NO. 385, increasing the assessment per head on cattle (reported by Committee on Agriculture):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 8, after "sale:" and before ", That," insert "*PROVIDED, That the director following a hearing subject to the Administrative Procedures Act RCW 34.04, may reduce the assessment to not less than ten cents per head: PROVIDED FURTHER*".

Signed by: Senators Jolly, Chairman; Benitz, Day, Sellar.

The bill was read the second time by sections.

On motion of Senator Jolly, the committee amendment was not adopted.

On motion of Senator Wilson, the following amendment was adopted:

On page 1, line 8, after "sale:" and before ", That," insert "*PROVIDED, That, on July 1, 1977, the assessment of twenty cents per head shall be reduced to ten cents per head, and at that time the director may, following a hearing subject to the Administrative Procedures Act RCW 34.04, increase the assessment to not more than twenty cents per head: PROVIDED FURTHER*".

President Pro Tempore Henry assumed the Chair.

On motion of Senator Jolly, the rules were suspended, Engrossed House Bill No. 385, 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 Lewis (R. H. "Bob"), Senator Jones was excused.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 385, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Donohue, Fleming, Francis, Goltz, Gould, Guess, Henry, Herr, Jolly, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odogaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hoilebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—46.

Excused: Senators Day, Grant, Jones—3.

ENGROSSED HOUSE BILL NO. 385, 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

Senator Fleming moved that Senate Bill No. 2713 be held on the second reading calendar for Thursday, April 24, 1975.

Debate ensued.

On motion of Senator Mardesich, the motion by Senator Fleming was amended and Senate Bill No. 2713 was ordered placed at the beginning of the second reading calendar for Friday, April 25, 1975.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of Engrossed House Bill No. 474.

SECOND READING

ENGROSSED HOUSE BILL NO. 474, by Representative Charette:

Authorizing cities to provide ambulance services and impose taxes for the support thereof.

REPORT OF STANDING COMMITTEE

April 10, 1975.

ENGROSSED HOUSE BILL NO. 474, authorizing cities to provide ambulance services and impose taxes for the support thereof (reported by Committee on Local Government):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 25, after "operated" and before "by" insert "or contracted for".

On page 2, line 3, after "owned" strike everything down to and including "operated" on line 4 and insert ", operated, leased or contracted for".

Signed by: Senators Fleming, Chairman; Lewis (R. H. "Bob"), North, Sellar, Talley.

The bill was read the second time by sections.

On motion of Senator Fleming, the committee amendments were adopted.

Senator Fleming moved that the rules be suspended, Engrossed House Bill No. 474, as amended by the Senate, be advanced to third reading, the second reading considered the third, and the bill be placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Will Senator Fleming yield to a question? Senator Fleming, it says 'the legislative authority of any city or county is authorized to adopt ordinance for the levy and collection of excise taxes and/or for the imposition of additional tax.' What are they going to levy the excise taxes on?"

Senator Fleming: "For the ambulance services."

Senator Rasmussen: "No, I mean what form of tax are they going to propose?"

Senator Fleming: "Your services would not be a property tax, would it? Oh, that is right. The B and O tax."

Senator Rasmussen: "Additional B and O tax?"

Senator Fleming: "Yes, for the ambulance service. They are not able to do that now, and in some areas like down in Senator Bailey's area where they do not have service, they want to be able to operate and own those ambulance services."

Senator Rasmussen: "And they have the authority to levy B and O taxes but not for ambulance services right now, is that it?"

Senator Fleming: "Yes."

The motion by Senator Fleming carried and Engrossed House Bill No. 474, as amended by the Senate, was placed on third reading and final passage.

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 474, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; absent or not voting, 1; excused, 3.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Donohue, Fleming, Francis, Goltz, Gould, Henry, Herr, Jolly, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odogaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—44.

Voting nay: Senator Guess—1.

Absent or not voting: Senator Sellar—1.

Excused: Senators Day, Grant, Jones—3.

ENGROSSED HOUSE BILL NO. 474, 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 Mardesich, the Senate returned to the first order of business.

REPORTS OF STANDING COMMITTEES

April 23, 1975.

SENATE BILL NO. 2808, relating to local government (reported by Committee on Local Government):

Recommendation: That Substitute Senate Bill No. 2808 be substituted therefor and the substitute bill do pass.

Signed by: Senators Fleming, Chairman; Jolly, Lewis (R. H. "Bob"), McDermott, North, Sellar, Talley, Walgren, Wilson.

Passed to Committee on Rules for second reading.

April 22, 1975.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 47, broadening definition of urban areas eligible for urban arterial funds (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Walgren, Chairman; Beck, Bottiger, Jolly, Knoblauch, Morrison, Peterson, Sellar, Wanamaker.

Passed to Committee on Rules for second reading.

MOTION

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

MOTION

Senator Lewis (Harry) moved adoption of the following resolution:

SENATE RESOLUTION 1975-35

By Senators Lewis (Harry), Mardesich, McDermott and Gould:

WHEREAS, Recent special levy failures in many areas of Washington State demonstrate a critical sense of concern by citizens over the cost and current method of financing common school education; and

WHEREAS, The purpose of the common school system in Washington is to provide our children with a basic education which will equip them to live as productive citizens of the state and nation; and

WHEREAS, Increasing demands on school district budgets for special programs and ancillary services require that a fundamental definition of basic education be written; and

WHEREAS, The current financial crises in many school districts dictate urgency in addressing the issue of basic education; and

WHEREAS, The Superintendent of Public Instruction is vested with constitutional responsibility for supervision of the common school system; and

WHEREAS, The comprehensive study of common school financing by the Temporary Special Levy Study Commission may serve as an able reference for such a definition;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Wash-

ington in legislative session assembled, that the Superintendent of Public Instruction is hereby directed to write a definition of basic education for the state's common school systems; and

BE IT FURTHER RESOLVED, That such definition shall be expressly written to serve as the foundation by which the legislature may consider developing budgetary requirements necessary to meet the standards implied by or outlined in said definition. To this end, the definition should contain lists of the specific school district courses, programs and services which, in the Superintendent's judgment, are within the definition of basic education and without the definition of basic education; and

BE IT FURTHER RESOLVED, That the Superintendent of Public Instruction submit said definition of basic education to the Senate of the State of Washington for consideration no later than May 15, 1975; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate transmit a copy of this Resolution to Dr. Frank B. Brouillet, Superintendent of Public Instruction.

Debate ensued.

POINT OF INQUIRY

Senator Sandison: "Will Senator Lewis yield to a question, please? Senator Lewis, in view of the restraints that we are operating under and the state is, I wondered why the date for submission of this definition was extended to May 15. It would appear to me that the Superintendent of Public Instruction's background and the collective staff that he would have, that he should be able to do that some time prior to that."

Senator Lewis (Harry): "Senator Sandison, I have no objection if you would like to shorten the date. He has the tools, I agree with you. If you have another suggestion"

Senator Sandison: "May I suggest May 5th?"

Senator Lewis (Harry): "I have no objection to that if that is your request."

REMARKS BY SENATOR BAILEY

Senator Bailey: "Mr. President, I would hope that the Superintendent of Public Instruction could come up with an answer to this without having a department created to study the accountability of their own people and a few things like that that have been requested in the past, but my fear is that he will come up with a definition of basic education that will say basic education for one hundred million dollars is this. If you want basic education about twice as good, it is going to be five hundred million dollars, and I would hope he comes up with something that has no price tag on it that shows us what we should be trying to arrive at, and not some figure that he wants in his biennial budget."

REMARKS BY SENATOR HARRY LEWIS

Senator Lewis (Harry): "Mr. President, just very briefly, what I am hoping he will do, and I have confidence in our Superintendent of Public Instruction, he has been a school teacher all his life, he now holds the highest office in schools in the state of Washington; we have asked that he include, and he has to consider the teachers in this area, he has to consider the general public. He is going to be laying out to us a program which would be subject to criticism from both sides. I realize the difficulty that he is facing, but I have confidence, Senator Bailey, that he will give us a measuring stick in basic education from which we can develop budgetary proposals. After all, if he talks about courses, and we mention that in the resolution those are measurable in terms of dollars and he can indicate to us, and I would hope he would, those courses which should be included within the framework of basic education and those good courses that may be taught without the framework of basic education. I do this in a purely nonpolitical sense, knowing Buster very well over the years and knowing his staff, and I am confident that he can give us that basic thing from which we can work; and I am also confident that he would not superficially throw out a figure or a general terminology and that certainly would be contrary to the purpose of this resolution."

On motion of Senator Sandison, the following amendment was adopted:

On the last line of the resolution strike "May 15" and insert "May 5".

President Cherberg assumed the Chair.

The President declared the question before the Senate to be adoption of the resolution, as amended.

The motion by Senator Lewis (Harry) carried and the resolution, as amended, was adopted.

MOTION

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

SENATE RESOLUTION 1975-36

By Senators McDermott, Fleming, Herr, Van Hollebeke and Francis:

WHEREAS, Leo Weisfield, prominent and kindly Seattle businessman, passed away on Tuesday, March 4, 1975; and

WHEREAS, Leo was a noted and respected humanitarian and outstanding community leader; and

WHEREAS, Leo's warmth and dedication to high principles have earned him respect and admiration of many thousands of people throughout the world; and

WHEREAS, Valuable service on the President's Committee on Employment of the Handicapped and the Governor's Employ the Handicapped Committee, was typical of his unselfish devotion to his fellow man; and

WHEREAS, He served with honor and distinction as President of the Washington State University Board of Regents and as a member of the Gonzaga University Board of Trustees, and in these capacities contributed substantial advice to enhance the improvement of higher education in the State of Washington; and

WHEREAS, Leo was also a lay religious leader having served as Chairman of the Jewish Federated Funds, as Chairman of the State of Israel Bonds, as Co-chairman of the United Jewish Appeal and as President of the Northwest Regional Jewish National Funds; and

WHEREAS, His constant efforts to assist his fellow man have earned Leo many high awards, including the Red Hammer Award of the Seattle Fire Fighters, The John F. Kennedy Peace Award and a citation in the United States Senate for Service to the Nation;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington, in the Legislature assembled, that the members of the Senate do hereby extend to Sarah Weisfield their commiseration with her loss and assure her that the passing of Leo Weisfield has saddened the many who knew him and that the memory of Leo and of his many good works which benefit so many people will remain with us always.

BE IT FURTHER RESOLVED, That the Secretary of the Senate be and he is hereby instructed to forward a copy of this resolution to Sarah Weisfield, the widow of Leo Weisfield.

MOTION

At 4:45 p.m., on motion of Senator Mardesich, the Senate adjourned until 9:45 a.m., Thursday, April 24, 1975.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

FORTY-SECOND DAY

MORNING SESSION

Senate Chamber, Olympia, Thursday, April 24, 1975.

The Senate was called to order at 9:45 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Bailey, Benitz, Donohue, Herr, Lewis (Harry), Mardesich, Rasmussen and Talley. On motion of Senator Knoblauch, Senators Bailey, Donohue, Herr, Rasmussen and Talley were excused. There being no objection, Senator Mardesich was excused. On motion of Senator Lewis (R. H. "Bob"), Senators Benitz and Lewis (Harry) were excused.

The Color Guard, consisting of Pages Cherie Ozmun and Kelley Ritchey, presented the Colors. Reverend Arthur I. Anderson, pastor of Gloria Dei Lutheran Church of Olympia, offered the following prayer:

"ETERNAL GOD, WHO HAS COMMITTED TO US THE SWIFT AND SOLEMN TRUST OF LIFE AND TO OUR LEGISLATORS, THE ADDED RESPONSIBILITY OF HAMMERING OUT THE BEST POSSIBLE LAWS TO GOVERN ALL OF THE CITIZENS OF THIS STATE. SEND OUT YOUR LIGHT AND YOUR TRUTH TO LEAD US.

"WE WOULD REMEMBER THE SAGE COUNSEL OF OUR GREAT AMERICAN STATESMAN, DANIEL WEBSTER THAT 'IF WE ABIDE BY THE PRINCIPLES TAUGHT IN THE BIBLE, OUR COUNTRY WILL GO ON PROSPERING AND TO PROSPER; BUT, IF WE AND OUR POSTERITY NEGLECT ITS INSTRUCTION AND AUTHORITY, NO MAN CAN TELL HOW SUDDEN A CATASTROPHE MAY OVERWHELM AND BURY ALL OUR GLORY IN PROFOUND OBSCURITY.'" "MAY WE ALL, THEREFORE, HEAR AND HEED YOUR VOICE RECORDED IN YOUR WORD 'TO DO JUSTLY, AND TO LOVE MERCY, AND TO WALK HUMBLLY WITH YOU. MAY NEITHER PREJUDICE NOR PRESSURE DRAW OUR SENATORS ASIDE FROM DOING JUSTLY. MAY THEY SO LOVE MERCY THAT IT WILL BE MANIFEST IN THEIR DISCUSSIONS AND DECISIONS. MAY HUMILITY OF HEART CHARACTERIZE THEIR CONDUCT AND MAY YOUR PEACE WHICH PASSES ALL UNDERSTANDING, KEEP THEIR HEARTS AND MINDS IN CHRIST JESUS. AMEN."

MOTION

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

MESSAGE FROM THE HOUSE

April 23, 1975.

Mr. President: The House has passed:

ENGROSSED HOUSE BILL NO. 464.

ENGROSSED HOUSE BILL NO. 490.

ENGROSSED HOUSE BILL NO. 606, and the same are herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

INTRODUCTION AND FIRST READING

ENGROSSED HOUSE BILL NO. 464, by Representatives Conner, Hansey and Savage:

Authorizing the aeronautics commission to provide assistance to certain Indian tribes.

Referred to Committee on Transportation and Utilities.

ENGROSSED HOUSE BILL NO. 490, by Representatives Gaines and Randall:
Amending law on liability of landowners where recreational.

Referred to Judiciary Committee.

ENGROSSED HOUSE BILL NO. 606, by Representatives Ceccarelli, Warnke, Kalich and Curtis:

Permitting young adults to work in class H premises.

Referred to Committee on Commerce.

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

MESSAGE FROM THE HOUSE

April 21, 1975.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2192 with the following amendments:

On page 1, line 6, after "administration" strike "of".

On page 1, line 7, after "proper" strike "[operation] *administration*" and insert "operation".

On page 1, beginning on line 8, after "board of" strike all material down to and including "*consisting of*" on line 9, and insert "trustees; the members of the board of trustees shall be".

On page 1, line 14, after "two" insert "*additional members who shall be former*", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Stortini, the Senate concurred in the House amendments to Engrossed Senate Bill No. 2192.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2192, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 41; excused, 8.

Voting yea: Senators Beck, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Jolly, Jones, Keefe, Knoblauch, Lewis (R. H. "Bob"), Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Ridder, Sandison, Scott, Sellar, Stortini, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—41.

Excused: Senators Bailey, Benitz, Donohue, Herr, Lewis (Harry), Mardesich, Rasmussen, Talley—8.

ENGROSSED SENATE BILL NO. 2192, 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.

MESSAGE FROM THE HOUSE

April 21, 1975.

Mr. President: The House has passed SENATE BILL NO. 2074, with the following amendments:

On line 1 of the title after "Relating to" and before the semicolon delete "sewer districts" and insert "local government".

On line 5 of the title after "56.16.080;" and before "adding" delete "and" and insert "amending section 3, chapter 128, Laws of 1939 as last amended by section 84, chapter 56, Laws of 1970 ex. sess. and RCW 57.20.020;"

On line 6 of the title after "chapter 56.16 RCW" and before the period insert "; and adding a new section to chapter 57.20 RCW".

On page 1, line 27, after "signatures may" insert ", with the written permission of the signator whose facsimile signature is being used,"

On page 1, line 29, before "secretary" strike "and" and insert "[and] or".

On page 3, beginning on line 2 add a section to read as follows:

"Sec. 3. "Section 3, chapter 128, Laws of 1939 as last amended by section 84, chapter 56, Laws of 1970 ex. sess. and RCW 57.20.020 are each amended to read as follows:

Whenever any issue or issues of water revenue bonds have been authorized in compliance with the provisions of RCW 57.16.010 through 57.16.040, said bonds shall be [either registered as to principal only or shall be bearer bonds] *in bearer form or registered as to principal or interest or both, and may provide for conversion between registered and coupon bonds*; shall be in such denominations, shall be numbered, shall bear such date, and shall be payable at such time or times up to a maximum period of not to exceed thirty years as shall be determined by the board of water commissioners of the district; shall bear interest at such rate or rates *payable at such time or times* as authorized by the board [payable semiannually and evidenced to maturity by coupons attached to said bonds]; shall be payable at the office of the county treasurer of the county in which the water district is located and may also be payable at such other place or places as the board of water commissioners may determine; shall be executed by the president of the board of water commissioners and attested and sealed by the secretary thereof, *one of which signatures may, with the written permission of the signator whose facsimile signature is being used, be a facsimile*; and may have facsimile signatures of said president [and] *or* secretary imprinted on the interest coupons in lieu of original signatures.

The water district commissioners shall have power and are required to create a special fund or funds for the sole purpose of paying the interest and principal of such bonds into which special fund or funds the said water district commissioners shall obligate and bind the water district to set aside and pay a fixed proportion of the gross revenues of the water supply system or any fixed amount out of and not exceeding a fixed proportion of such revenues, or a fixed amount or amounts without regard to any fixed proportion and such bonds and the interest thereof shall be payable only out of such special fund or funds, but shall be a lien and charge against all revenues and payments received from any utility local improvement district or districts pledged to secure such bonds, subject only to operating and maintenance expenses.

In creating any such special fund or funds the water district commissioners of such water district shall have due regard to the cost of operation and maintenance of the plant or system as constructed or added to and to any proportion or part of the revenue previously pledged as a fund for the payment of bonds, warrants or other indebtedness, and shall not set aside into such special fund a greater amount or proportion of the revenue and proceeds than in their judgment will be available over and above such cost of maintenance and operation and the amount or proportion, if any, of the revenue so previously pledged. Any such bonds and interest thereon issued against any such fund as herein provided shall be a valid claim of the holder thereof only as against the said special fund and its fixed proportion or amount of the revenue pledged to such fund, and shall not constitute an indebtedness of such water district within the meaning of the constitutional provisions and limitations. Each such bond or warrant shall state upon its face that it is payable from a special fund, naming the said fund and the resolution creating it. Said bonds shall be sold in such manner, at such price and at such rate or rates of interest as the water district commissioners shall deem for the best interests of the water district, either at public or private sale, and the said commissioners may provide

in any contract for the construction and acquirement of the proposed improvement (and for the refunding of outstanding local improvement district obligations, if any) that payment therefor shall be made in such bonds at par value thereof.

When any such special fund shall have been heretofore or shall be hereafter created and any such bonds shall have been heretofore or shall hereafter be issued against the same a fixed proportion or a fixed amount out of and not to exceed such fixed proportion, or a fixed amount or amounts without regard to any fixed proportion, of revenue shall be set aside and paid into said special fund as provided in the resolution creating such fund or *authorizing such bonds*, and in case any water district shall fail thus to set aside and pay said fixed proportion or amount as aforesaid, the holder of any bond [against] *payable from* such special fund may bring suit or action against the water district and compel such setting aside and payment.

The water district commissioners of any water district, in the event that such water revenue bonds are issued, shall provide for revenues by fixing rates and charges for the furnishing of water supply to those receiving such service, such rates and charges to be fixed as deemed necessary by such water district commissioners, so that uniform charges will be made for the same class of customer or service. In classifying customers served or service furnished by such water supply system, the board of water commissioners may in its discretion consider any or all of the following factors: The difference in cost of service to the various customers; the location of the various customers within and without the district; the difference in cost of maintenance, operation, repair and replacement of the various parts of the system; the different character of the service furnished various customers; the quantity and quality of the water furnished; the time of its use; capital contributions made to the system including but not limited to assessments; and any other matters which present a reasonable difference as a ground for distinction. Such rates shall be made on a monthly basis as may be deemed proper by such commissioners and as fixed by resolution and shall produce revenues sufficient to take care of the costs of maintenance and operation, revenue bond and warrant interest and principal amortization requirements and all other charges necessary for efficient and proper operation of the system."

Renumber section 3 as section 4.

On page 3, section 3 (renumbered section 4), line 8, after "bonds" and before "shall" insert "(exclusive of provisions relating to refunding)".

On page 3, beginning on line 13, add a new section as follows:

"*NEW SECTION.* Sec. 5. There is added to chapter 57.20 RCW a new section to read as follows:

Water districts may also issue revenue warrants and revenue bond anticipation warrants for the same purposes for which such districts may issue revenue bonds. The provisions of this chapter relating to the authorization, terms, conditions, covenants, issuance and sale of revenue bonds (exclusive of provisions relating to refunding) shall be applicable to such warrants. Water districts issuing revenue bond anticipation warrants may make covenants relative to the issuance of revenue bonds to provide funds for the redemption of part or all of such warrants and may contract for the sale of such bonds and warrants." and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

MOTION

On motion of Senator Fleming, the Senate concurred in the House amendments to Senate Bill No. 2074, with the exception of the amendment to page 1, line 29, and asks the House to recede therefrom.

MESSAGE FROM THE HOUSE

April 21, 1975.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2530, with the following amendment:

On page 1, following line 17, insert a new section to read as follows:

"*NEW SECTION*. Sec. 3. There is hereby appropriated from the general fund to the Washington state highway commission for the biennium ending June 30, 1975, \$20,000 for the supportive services to minority contractor training programs: *PROVIDED*, That any funds expended from this appropriation shall be fully reimbursable from federal funds authorized by P.L. 91-6.5 Title 1."

Renumber the remaining section., and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Walgren, the Senate concurred in the House amendment to Engrossed Senate Bill No. 2530.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2530, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 40; absent or not voting, 2; excused, 7.

Voting yea: Senators Beck, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Jolly, Jones, Keefe, Knoblauch, Lewis (R. H. "Bob"), Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Stortini, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Woody—40.

Absent or not voting: Senators Sellar, Wanamaker—2.

Excused: Senators Bailey, Benitz, Donohue, Herr, Lewis (Harry), Mardesich, Talley—7.

ENGROSSED SENATE BILL NO. 2530, 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.

MOTION

On motion of Senator Walgren, the Senate commenced consideration of Senate Bill No. 2692.

SECOND READING

SENATE BILL NO. 2692, by Senators Fleming, Ridder and Talley:

Establishing standards for making buildings and facilities accessible to and usable by physically disabled persons.

MOTIONS

On motion of Senator Fleming, Substitute Senate Bill No. 2692 was substituted for Senate Bill No. 2692, and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Fleming, there being no objection, the following amendments were considered and moved for adoption simultaneously:

On page 2, section 2, after "after" on line 11 and before "shall" on line 12, strike "June 1, 1975," and insert "January 1, 1976."

On page 2, section 2, line 14, after "to" strike "June 1, 1975," and insert "January 1, 1976,"

On page 17, section 9, line 8, after "after" and before "shall" strike "June 1, 1975," and insert "January 1, 1976,"

On page 17, section 9, line 12, after "to" and before "shall" strike "June 1, 1975" and insert "January 1, 1976."

On page 18, section 12, after "before" on line 6 and before the period on line 7, strike "June 1, 1975" and insert "January 1, 1976".

On page 18, section 13, line 10, after "January 1," and before the comma strike "1975" and insert "[1975] 1976".

Senator Cunningham moved that in each of the amendments by Senator Fleming that "1976" be stricken and "1979" be inserted.

POINT OF INQUIRY

Senator Guess: "I would like to ask Senator Fleming — Senator Fleming, in looking at the application of the bill to the various classes of occupancy from class A through class H residences and in class H I find that hotels, convention centers and apartment houses are mentioned, and I think that Senator Cunningham has raised a very valid point about those plans that are in the planning process and that six months is an extremely short period of time. Would you accept an oral amendment to the year 1977? This would give these people eighteen months in order to get the financing. Remember, this does not have anything to do with dwellings because that is a class I occupancy, and I believe after discussing this with Senator Cunningham that the time is needed. Maybe '79 is too long, but '77 would give us eighteen months to complete the financing on some of these things and without slowing them down."

Senator Fleming: "Senator Guess, I understand what you are saying and as you mentioned, those three areas that you talked about are the exceptions that are not under the present law. What I would like to do, Senator Guess, I understand what you are saying and I am willing to accept an amendment but is it possible that we could make it June of '76, because putting it away to '77, I think that the amount of adjustments that they would have to make would not be that substantial, and I think that wherever we can to try to push this along. Just the other day, you know, there were some people who visited a restaurant who could not get in three restaurants because the doors were not of the nature that they could get in and eat at that place, and I think that the longer we delay this the more we are hurting those disadvantaged people, so I would like to see maybe June 1, 1976 would be a lot better than '77. Would that be okay?"

Debate ensued.

The motion by Senator Cunningham failed and the amendments to the amendments were not adopted on a rising vote.

On motion of Senator Guess, the following amendments to the amendments by Senator Fleming were adopted:

Amend the Fleming amendment to page 2, line 11, as follows: Strike "January 1," and insert "July 1,"

Amend the Fleming amendment to page 2, line 14, as follows: Strike "January 1," and insert "July 1,"

Amend the Fleming amendment to page 17, line 8, as follows: Strike "January 1," and insert "July 1,"

Amend the Fleming amendment to page 17, line 12, as follows: Strike "January 1," and insert "July 1,"

Amend the Fleming amendment to page 18, line 6, as follows: Strike "January 1," and insert "July 1,"

The motion by Senator Fleming carried and the amendments, as amended, were adopted.

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

On page 17, strike all of section 10 and insert the following:

"Sec. 10. Section 7, chapter 96, Laws of 1974 ex. sess. and RCW 19.27.070 are each amended to read as follows:

There is hereby established a state building code advisory council to be appointed by the governor.

(1) The state building code advisory council shall consist of the director of the department of labor and industries, or his designee, and the insurance commissioner, or his designee, and [thirteen] *fifteen* additional members who shall be broadly representative of the general public, local government, and of the industries and professions concerned with building design and construction: *PROVIDED, That two of such members shall have special expertise and experience in the field of barriers for the handicapped.* The council may include state officials as ex officio, nonvoting members. The board

shall report annually to the governor and the legislature on the operation and administration of this chapter.

(2) Members shall receive per diem for each day or major portion thereof spent in performance of their duties plus reimbursement for actual travel expenses incurred in the performance of their duties in the same manner as provided for in chapter 43.03 RCW."

Senator Fleming moved adoption of the following amendment:

On page 19, strike all of section 17 and substitute the following:

"*NEW SECTION.* Sec. 17. This 1975 amendatory act shall take effect on January 1, 1976."

On motion of Senator Fleming, the following amendment to the amendment was adopted:

Amend the Fleming Amendment to page 19 as follows: On the last line of the amendment strike "January 1," and insert "July 1,"

The motion by Senator Fleming carried and the amendment, as amended, was adopted.

On motion of Senator Fleming, the following amendments to the title were adopted:

On page 1, line 3 of the title after "persons;" and before "amending" insert "amending section 7, chapter 96, Laws of 1974 ex. sess. and RCW 19.27.070;"

In line 20 of the title, after "70.92A.060;" and before "and prescribing" strike "declaring an emergency;"

On motion of Senator Fleming, the rules were suspended, Engrossed Substitute Senate Bill No. 2692 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Odegaard: "Mr. President, I appreciate what Senator Fleming is trying to do but I have some concern. As I understand this — maybe I do not understand this — any structure that is remodeled except with a couple of exceptions here would have to come under these standards? Is that right? If Senator Fleming would yield."

Senator Fleming: "Senator Odegaard, what it is saying is that any new construction that is not — by the time of this law is to come into effect — that is not already contracted out before the effective date of this law, any new construction that fits in the category of Code A through H would have to comply with this law. Any renovation. If you renovated a wing of a hospital or something of that nature, yes, that wing would have to come under this law, not the entire hospital. If you made a major construction of an older building or whatever, only would that building come under this law if the remodeling that you would do was more than fifty percent of the value of the entire property."

Senator Odegaard: "Senator Fleming, on page 2 on line 8 where it uses the word 'remodeled', now what is the definition of 'remodeled'?"

Senator Fleming: "Senator Odegaard, I think we would have to look at the entire situation here. It says, the bill to which it applied says, 'The standard specifications set forth in this chapter shall apply to all buildings, structures and improved areas used primarily for group A through H occupancy as set forth in the Washington State Building Code which are constructed, remodeled or rehabilitated by the use of public or private funds,' and so forth. That is spelled out in the Uniform Building Code as it is now, and all I am saying is, when they say remodel they are talking about a major remodeling job. I think Senator Guess might be able to be a little more definitive on that than I, but they are not talking about just going in and fixing something in your place. Whatever you did in remodeling would have to be more than fifty percent the value of that entire property before it would be considered under this law in remodeling."

Senator Odegaard: "And that, Senator Fleming, is in the state building code?"

Senator Fleming: "Yes, from my understanding — Senator Guess is shaking his head — that is true."

POINT OF INQUIRY

Senator Day: "Would Senator Fleming yield? Senator Fleming, these building requirements now, do they all apply to local codes or are they statewide?"

Senator Fleming: "This is a statewide building code, Senator Day, but they are enforced by the local government units. Each local area has the enforcement powers here, but it is statewide to try to make sure we do not have different codes in one city that are different from codes in other cities. It is a minimum standard code that they bring them up to."

Senator Day: "Senator, I am a little at a loss to understand why this bill was in Local Government but I know that you have tried to do a good job on it, but all the buildings on, you see, the parking ramps and in fact the parking bill itself, you remember, this session have all been in Social and Health Services and I do not understand why this bill was there."

Senator Fleming: "Senator Day, I understand that the Committee on Social and Health Services usually likes to catch all."

Senator Day: "No, Senator, that is not true. It is anything but. In fact, we have a hard time. You could divide all the Social and Health Services bills up. You could put the ones that affect judicial action in Judiciary and the ones that have money up in Ways and Means. They get them anyway, and"

Senator Fleming: "Speaking to your point though, Senator Day, first of all, the Committee on Local Government has been studying over the past years and passed the building code itself, the state building code has been a function because it is supervised and administered by the local government units. Secondly, this bill here has to do with architectural barriers for those buildings and not from the social aspect of it of dealing with the health of the handicapped as your committee normally deals with. It is dealing with the artificial barriers of those buildings, structures, and we did not think that that was something that belonged in Social and Health Services but with the committee that has been studying and have tried to develop some expertise on building codes."

Senator Day: "One other question, then. Does this apply to all public structures?"

Senator Fleming: "A through H."

Senator Day: "What about private structures?"

Senator Fleming: "A through H are a hotel, a restaurant, yes, that is a private. Just not dwellings."

Senator Day: "Everything except dwellings though?"

Senator Fleming: "No. A through H."

Senator Day: "What about an athletic club, for example? Which a handicapped person probably would not be coming to but"

Senator Fleming: "Yes, it would be covered if it fits under this category and it is more than two stories high and it fits into one of these categories A through H. Yes, it would, and I do not see why"

Senator Day: "More than three stories high?"

Senator Fleming: "No, I said if it is more than two stories high and if it falls under one of these categories. And I do not see any reason why an athletic club should not. They would like to, it is possible, you know, get involved in physical activities and so forth."

POINT OF INQUIRY

Senator Van Hollebeke: "Will Senator Fleming yield to a question, please? Senator Fleming, section 2 on page 2 refers to 'construction, remodel or rehabilitation by the use of public or private funds with the exception of single and two-family detached dwellings.' Now if I have a triplex and I decide to remodel that one, am I going to be required to meet this? That is question number one and then question number two is, what is group A through H? I think we have a lot we do not know what we are voting on."

Senator Fleming: "If you would like to look at this building code, and while we are talking about it, I have them lined out for you and you can look at them, and to answer your question, only if your structure was two stories high and more because then you

start dealing with accessibility to your place and whether you had ramps to get to there or whether one had to have an elevator or whatever it is, but they are multi-dwellings."

Senator Van Hollebeke: "So then if I had a triplex and I am remodeling it and one unit is on the second floor, it would then have to come within the provisions . . . ?"

Senator Guess: "Mr. President and members of the Senate, if I might answer Senator Van Hollebeke on that. This has to do with class A through H. Now perhaps it is best if I give you a quick rundown on what these classifications are. Class A is a building that has a stage serving over a thousand people; Class B is broken into two classifications; buildings with stages serving less than a thousand and buildings serving two hundred people without a stage and stadia. Class C is schools and day care centers and they have divisions in that. Class D is mental hospitals, prisons, nurseries, and nursing homes. Class E is the storage of high explosives, storage of liquids, paint, woodworking, repair garages and aircraft hangars. Class F is gasoline stations, retail installations and printing plants. Class G is ice plants, workshops and storage areas, heavy types of storage. Class H is hotels, convention centers, apartment houses of over ten units, convents and monasteries. So the area that we are talking about really does not work into the area where I think that Senator Van Hollebeke's concern is; dwellings, lodging houses and things of that nature. Class J occupancy is private garages, patios, and other incidental structures.

"If I might, while I am on my feet, I would like to say that I had some objections to the original bill. The substitute bill removes those objections and I had the opportunity during the session of talking with some of the people from North Carolina who have been operating under this bill. Also, in talking with Mr. Warren Brown from the General Administration, he assures me that the cost will be minimal, that actually when you make the construction the first time that it will not involve a tremendous amount of money, but it will serve to take the pressure off of those people who have difficulty in finding housing and I believe that the problems have been worked out to the point that they are acceptable.

"There is one thing that bothered me at first and that was, in kitchens, for instance, a clear space between cupboards. They will allow under the revisions as it is now embodied, the kick space will be used as a part of the clear space in the room so it makes it more livable, and in one unit out of ten in apartment complexes, town houses, and places like that they will have to have one apartment that is particularly adapted to this. There is one small requirement in there that if those persons who at one station where they need in-wheelchair work, they will have a small cabinet where they could pull the wheelchair up to it. The width will be thirty inches and the height will be thirty-two inches so that a person can work and do work at a station of this type.

"I had the opportunity this past summer of taking part at the opening ceremonies of the Wheelchair Olympics. For the first time since the organization was started and these games have been held, it was held in the West and it was held at Eastern Washington State College. It was a very warm day. These people were under a tremendous amount of pressure in their games and in their competitions and I gained a great deal of insight into the stick-to-itiveness, the real spirit that these people have, and I believe it is up to us and it behooves us to do everything possible to make the lot of the person who is confined to a wheelchair, make his life a little bit easier and the cost is very small and I would hope that you would go along with this bill."

Debate ensued.

POINT OF INQUIRY

Senator Mardesich: "Would Senator Fleming yield? One thing that disturbs me as I look through this measure with respect to grading ramps, walks, and so forth and doors and doorways, entrances, is that the measure attempts to include all, for instance, walkways under the requirement that they be forty-eight inches wide and a five percent gradient, and I do not see the necessity of requiring that all walkways be that. It would seem to me it would be sufficient that there be a walkway which satisfies the requirement, and it would seem to me that it would unnecessarily increase the cost if we were to provide that all such walks, ramps, doorways, everything, had to comply with the re-

quirements, and I am wondering whether that was even considered, whether they did not think of requiring that there be an entrance, that a walkway should comply with the five percent and forty-eight inch requirements and so on."

Senator Fleming: "Senator Mardesich, yes, that was considered. I think if you will read the bill, I think I am right, that you do have an entrance, the major entrance, the major area, they are talking about the door size. As far as the walkway is concerned, I am not in the construction business, from my understanding that it would not be that much more of a cost, if any, to do that. You are making a walkway anyway. Secondly, the rationale behind that is, the width of that walkway is the exact size that would allow two wheelchairs to pass each other on that walkway, and I think it is the thought that we as individuals, if we are in an area, do not want to or like to walk all the way around the block or something of that nature to be able to enter a building. If there is a walkway there or a path we would like to do it, and why we would make those individuals that are handicapped go all the way around and way out of the way because the gradation is not that steep and it is not that much difference. I think that it is meritorious that we do that and I do not think the expense that everybody is worrying about is that great, if any, other than is minor. I think this is the direction that those people who have expertise in the area think it should go. This is the area that other states are going and I think it is the right thing to do and I do not think it is substantial."

Senator Guess: "Mr. President, if Senator Mardesich would look at section 4, it begins its description of access to primary public entrances. Now if you then go on over to the next page, on page 6 in (2) it describes entrances: 'all primary public entrances usually considered as major points for pedestrian flow to the buildings and to which this chapter applies shall be usable by the physically disabled.' So I believe that that would limit it so that if a building had one primary access that this would be the compliance."

Senator Mardesich: "Senator Guess, I then address your attention to page 4, line 25, with respect to walks, and it says 'walks' — that means all walks — 'shall be at least forty inches clear width and have a gradient of no more than five percent except when handrails are provided and that there shall be no steps in those walkways.' and it just seems to me that there would be so many areas, so many natural impediments to satisfying that requirement with respect to all walks in a particular building area. I can visualize where if a building is on a hill — how do you solve that? How do you put a side entrance on a hill? Let us say the slope, in Seattle there are thousands of such hills where the slope is not five percent but twenty percent, almost. How do you satisfy that requirement on a side entrance?"

Senator Guess: "Senator, in your mind's eye, if you go to most apartment buildings they will have one entrance to the main building."

Senator Mardesich: "I understand that and that is what I am saying. but look at lines 25 and 26 and that says 'all walks'."

Senator Guess: "Okay. I am going to let Senator Fleming . . . he has his hand up on that one."

Senator Fleming: "Mr. President, two things. I think that Senator Mardesich has to take into consideration here; one, the area of section 4 that you are talking about, it is talking about the grading and access to the primary public entrance and I would think that line 21, the walks that they are talking about are referring to the primary entrances, all walks that go to primary entrances to a building. Secondly, I would think that if that situation that you are talking about prevailed, the authorities that we spoke about in section 9 would have the ability to waiver certain situations such as that if it was impossible and impractical to comply with the law, so I think we covered those areas that you are concerned about."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2692, and the bill passed the Senate by the following vote: Yeas. 30; nays. 14; absent or not voting. 2; excused, 3.

Voting yea: Senators Bailey, Beck, Bluechel, Cunningham, Fleming, Goltz, Grant, Guess, Henry, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob").

Marsh, McDermott, Murray, North, Odegaard, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, von Reichbauer, Washington, Wilson—30.

Voting nay: Senators Bottiger, Buffington, Clarke, Day, Donohue, Gould, Mardesich, Matson, Morrison, Peterson, Van Höllebeke, Walgren, Wanamaker, Woody—14.

Absent or not voting: Senators Francis, Newschwander—2.

Excused: Senators Benitz, Herr, Talley—3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2692, having received the 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 Cunningham served notice that he would, on the next working day, move for reconsideration of the vote by which the Senate passed Engrossed Substitute Senate Bill No. 2692.

MOTION FOR RECONSIDERATION

Senator Fleming moved that the rules be suspended and the Senate immediately reconsider the vote by which Engrossed Substitute Senate Bill No. 2692 passed the Senate.

The motion by Senator Fleming failed on a rising vote.

MOTION

On motion of Senator Mardesich, the Senate resumed consideration of Substitute Senate Bill No. 2795.

SECOND READING

SUBSTITUTE SENATE BILL NO. 2795, by Committee on Constitution and Elections (originally sponsored by Senator Beck):

Relating to public disclosure.

The Senate resumed consideration of Substitute Senate Bill No. 2795 on second reading. On April 22, 1975 an amendment by Senators Lewis (Harry) and Scott to page 25 beginning on line 28 was adopted. On that day, Senator Lewis (Harry) moved adoption of an amendment to page 26 adding a new section 21.

Debate ensued.

The motion by Senator Lewis (Harry) carried and the amendment was adopted.

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

On page 12, line 22, after "consideration" insert "*for acting as a lobbyist*".

On page 12, beginning on line 28, strike all of subsection (4)

Debate ensued.

On motion of Senator Mardesich, the question was divided.

The Senate commenced consideration of the amendment moved for adoption by Senator Grant to page 12, line 22.

The motion by Senator Grant carried and the amendment was adopted.

The Senate commenced consideration of the amendment moved for adoption by Senator Grant to page 12, beginning on line 28.

The motion by Senator Grant failed and the amendment was not adopted.

Senator Grant moved adoption of the following amendment:

On page 13, following section 7, insert a new section 8 as follows:

"Sec. 8. Section 17, chapter 1, Laws of 1973 and RCW 31.17.170 are each amended to read as follows:

(1) Any lobbyist registered under RCW 42.17.150 and any person who lobbies shall file with the commission periodic reports of his activities signed by both the lobbyist and the lobbyist's employers. The reports shall be made in the form and manner prescribed by the commission. They shall be due quarterly and shall be filed within thirty days after the end of the calendar quarter covered by the report. In addition to the

quarterly reports, while the legislature is in session, any lobbyist who lobbies with respect to any legislation shall file interim weekly periodic reports for each week that the legislature is in session, which reports need be signed only by the lobbyist and which shall be filed on each Tuesday for the activities of the week ending on the preceding Saturday: *PROVIDED, That it shall not be necessary to file any such interim weekly periodic reports for any week during which no expenditure reportable under RCW 42.17.170 (2) was made by the reporting person.*"

(2) Each such quarterly and weekly periodic report shall contain:

(a) The totals of all expenditures made or incurred by such lobbyist or on behalf of such lobbyist by the lobbyist's employer during the period covered by the report, which totals shall be segregated according to financial category, including food and refreshments; living accommodations; advertising; travel; telephone; contributions; office expenses, including rent and the salaries and wages paid for staff and secretarial assistance, or the proportionate amount thereof, paid or incurred for lobbying activities; and other expenses or services: *PROVIDED HOWEVER, That unreimbursed personal living and travel expenses of a lobbyist not incurred directly or indirectly for any lobbying purpose need not be reported: and PROVIDED FURTHER, That the interim weekly reports of legislative lobbyists for the legislative session need show only the expenditures for food and refreshments; living accommodations; travel; contributions; and such other categories as the commission shall prescribe by rule. Each individual expenditure of more than fifteen dollars for entertainment shall be identified by date, place, amount, and the names of all persons in the group partaking in or of such entertainment including any portion thereof attributable to the lobbyist's participation therein but without allocating any portion of such expenditure to individual participants.*

(b) In the case of a lobbyist employed by more than one employer, the proportionate amount of such expenditures in each category incurred on behalf of each of his employers.

(c) An itemized listing of each such expenditure in the nature of a contribution of money or of tangible or intangible personal property to any legislator, or for or on behalf of any legislator. All contributions made to, or for the benefit of, any legislator shall be identified by date, amount, and the name of the legislator receiving or to be benefited by each such contribution.

(d) The subject matter of proposed legislation or rulemaking; the proposed rules, standards, rates or other legislative enactments under chapter 34.04 RCW and chapter 28B.19 RCW (the state Administrative Procedure Acts) and the state agency considering the same; and the number of each senate or house bill, resolution, or other legislative activity which the lobbyist has been engaged in supporting or opposing during the reporting period: *PROVIDED, That in the case of appropriations bills the lobbyist shall enumerate the specific section or sections which he supported or opposed.*"

Renumber the remaining sections consecutively.

POINT OF INQUIRY

Senator Bailey: "Mr. President, I think the amendment is all right, but I would like to ask Senator Grant a question. If they do not report in the weeks in which they have spent no money, do they still make a report on the money they received during those weeks?"

Senator Grant: "I understand they would."

Senator Bailey: "Mr. President, with that in the record, I would support the measure. I think it is very important, not so much always what they spend on legislators, but what they spend on themselves is important and under the guise of influencing legislation a great many of them live high on the hog down here and put it down to legislative expenses and I would like to see what that is."

The motion by Senator Grant carried and the amendment was adopted.

Senator Bottiger moved adoption of the following amendment:

On page 20, line 30, after "law" insert ": *PROVIDED, HOWEVER, That lists of applicants for licenses and of licensees shall be made available upon payment of a rea-*

sonable charge therefor by each professional licensing board to properly identified persons representing the membership of the profession licensed by such board or to properly identified representative of an educational association, organization or school recognized by such license and such request is made for the purpose of utilizing such lists for a continuing education program or some similar legitimate purpose of the profession the list of which is requested”.

Senator Grant moved adoption of the following amendment to the amendment by Senator Bottiger:

On line 10 of the amendment after “program” and before “or” insert a period and strike the remainder of the amendment.

Debate ensued.

POINT OF INQUIRY

Senator McDermott: “Would Senator Bottiger yield to a question? Would it be your belief that the Association of Automobile Dealers could request a list of all those who own and have registered automobiles in the state of Washington?”

Senator Bottiger: “It would not. It would be limited to the professions, first of all, and I do not believe that the auto dealers are considered a professional licensing board. If I can change your question so I can get the right thing in the record: Could a professional licensing board ask for more than a list of their members or applications for membership? My answer would be no, it is not the intent of this amendment to expand it beyond that single profession and their members or applicants for membership.”

Senator McDermott: “Thank you.”

POINT OF INQUIRY

Senator Washington: “Will Senator Bottiger yield to a question? It occurs to me that it might be possible to tighten this up to answer Senator Grant’s concern. On the first line of your amendment, : *PROVIDED, HOWEVER*, That lists of applicants for professional licenses and’, could not the word — and I have not studied this far enough to know if it could be done — putting ‘professional’ before ‘licensees?’”

Senator Bottiger: “I think you put your finger right on it, Senator Washington. I will make an oral amendment.”

There being no objection, the amendment by Senator Grant to the amendment by Senator Bottiger was withdrawn.

On motion of Senator Bottiger, the following amendment to the amendment by Senator Bottiger was adopted:

Amend the Bottiger amendment to page 20, line 30 as follows:

On line 3 of the amendment, after “for” and before “licenses” insert “professional” and on the same line, after “of” and before “licensees” insert “professional”.

POINT OF INQUIRY

Senator Guess: “Before we adopt this amendment, Mr. President, I would like to ask Senator Bottiger another question. Senator, would this permit the Department of Motor Vehicles to give to the Association of Motorcycle Clubs, who are conducting an educational program, would they be able to get the list of motorcyclists in order to send out educational material and invite them to an educational seminar?”

Senator Bottiger: “Senator Guess, the answer is no, because motorcycles are not professional licenses. They do not have a professional licensing board. I can see the sense of what you are asking and another amendment might do that, but this amendment was very tightly drawn to cover that specific ridiculous situation where you can hand copy them but they cannot run it through the Xerox and charge you for them.”

POINT OF INQUIRY

Senator Scott: “Would Senator Bottiger yield? Senator, it looks to me in the latter part of the language like a person who attended a business college and was a recognized or licensed member of a profession, whatever profession it would be, could then have the ownership of that business college prevail upon him to ask for the list and thereby

provide a solicitation list to the college or institution of people in the field for the purposes of giving another course, a continuing education course, label it whatever you like, but at any rate in effect work in collusion with a commercial outfit to solve some of their problems for them."

Senator Bottiger: "Senator Scott, the present situation is, you can hire manpower and go up there and examine and copy that list. The purpose of this amendment was to restrict the department and permit the department to sell or charge at cost to run the same thing through the Xerox machine. It was the purpose to restrict it to the professional associations or educational organizations which provide the continuing education programs for those organizations. Now I think that same business college could presently go up there and hand copy it, and the worst that we are doing is having the department prepare, through the computers at cost, the same list which presently they have to jam up the office and send people up there to hand copy. If the evil is there that you are concerned about, all we are doing is relieving the department of all those people standing there at the desk making copies."

Senator Scott: "I think there is a policy question involved, too. We are providing an added service for a commercial institution to help facilitate a business that they are in and we should not overlook that."

The motion by Senator Bottiger carried and the amendment, as amended, was adopted.

On motion of Senator Lewis (Harry), the following amendment was adopted:

On page 27, line 24, after subsection (9) add a new subsection as follows:

"(10) All rules and regulations promulgated under this chapter shall be promulgated pursuant to the provisions of chapter 34.04 RCW."

On motion of Senator Scott, the following amendment was adopted:

On page 28, after line 2, add the following:

"NEW SECTION. Sec. 23. 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 Lewis (Harry): "Will Senator Scott yield to a question? Senator Scott, just for the record, is it the intent of your amendment and is it the understanding of the legislative intent that the members of the Public Disclosure Commission will not qualify for pensions under the state with your amendment? Is that correct?"

Senator Scott: "Yes, Senator Lewis, it is the intention of the amendment, if adopted, that the members of the Public Disclosure Commission will not receive salary that would be counted in any way against or for a state pension."

On motion of Senator Woody, the following amendment was adopted:

On page 25, following the amendment beginning on line 28 by Senators Lewis (Harry) and Scott, add the following language:

"The compensation provided pursuant to this section shall not be considered salary for purposes of the provisions of any retirement system created pursuant to the general laws of this state."

Debate ensued.

The motion by Senator Lewis (Harry) carried and the amendment, as amended, was adopted.

On motion of Senator Lewis (Harry), the following amendment to the title was adopted:

On page 1, line 20 of the title, after "42.17.350;" insert "amending section 36, chapter 1, Laws of 1973 and RCW 42.17.360;"

On motion of Senator Scott, the following amendment to the title was adopted:

On page 1, line 23 of the title, after "42.17.380; strike "and" and after "42.17 RCW" and before the period insert "; and declaring an emergency".

On motion of Senator Beck, the rules were suspended, Engrossed Substitute Senate Bill No. 2795 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Odegaard: "Would Senator Beck yield to a question? Senator Beck, as I understand section 2, the bill would allow political committees to retain and use accumulated unidentified contributions such as received in a rummage sale, for example, of up to one percent of the total contributions received or three hundred dollars, whichever is greater. My question is, what period of time would this cover? For example, if it is a county Democratic or Republican Central Committee and they held a rummage sale or whatever, does that cover a calendar year, that period of time? Three hundred dollars?"

Senator Beck: "No, this applies — you probably know the effects of these rummage sales. You are liable to have anything out there and it allows you to collect it in a lump sum. Whenever you announce that you are espousing some cause that is going to be submitted to the people for a vote or when you announce that you are going to run for office, you are required then to start filing periodic reports. This does not affect the committees which are not set up for any one thing in particular like, take the Democratic Central Committee. They are set up to elect all Democrats and it does not affect them, as I understand it."

Senator Odegaard: "Senator Beck, then this amendment or section 2 does not do anything to ameliorate the problem with respect to the Central Committees of holding, for example, a rummage sale?"

Senator Beck: "No, they can hold their rummage sales any time they want to."

Senator Odegaard: "They would still, though, have to report each separate item?"

Senator Beck: "Up to three hundred dollars. If it is accumulative to three hundred dollars, it would."

Senator Odegaard: "My question, though, is would this particular section only pertain to individual political campaigns or does it also include your political party, such as a county central committee? Could they hold different fund raising activities also?"

Senator Beck: "Senator Odegaard, anyone who has a depository that is continuing has to report that. I think it is every six months. If you have a depository for anything that is going to be used for an election, you have to report and I think it is every six months. I am not sure of that time, but I think it is every six months, and when you get actively using that, then there are periodic reports that you have to make."

Senator Odegaard: "From that I gather that you believe this would include any fund raising activities of a political party as well as reporting?"

Senator Beck: "Oh, yes."

Senator Odegaard: "So my question then is, what period of time for a county central committee, for example? Is that on a calendar year basis?"

Senator Grant: "In response to Senator Odegaard's question, it does apply to the current calendar year, the maximum unidentified contributions in the current calendar year could be one percent or three hundred dollars, whichever is more."

Senator Odegaard: "Thank you."

POINT OF INQUIRY

Senator Odegaard: "I have another question then, Mr. President. Section 3 of the bill further provides for inspection of such committee's records at the address of the campaign treasurer during the eight day period prior to the election. I am curious, are there any restrictions as to what kind of access people would have to the campaign treasurer? Is the campaign treasurer to allow people into his or her home at any time to show the records to anyone who might stop by in that eight day period?"

Senator Beck: "Senator Odegaard, that is the way the Initiative No. 276 reads, but believe me, if anyone came around my house knocking on the door in the middle of the night, he would sure get thrown out in a hurry. That is the way the bill reads, yes. You have got to have it accessible, but I think that the Public Disclosure Commission — I am not sure of this — but I think that they have ruled it must be during working hours. I do not know — you might say, maybe you might have a graveyard shift — but I interpret it to be from eight to four in the daytime."

Senator Odegaard: "Thank you, Senator Beck."

Senator Beck: "This is an initiative that was enacted by the people."

REMARKS BY THE PRESIDENT

The President: "Prior to the roll call, the President should like to respectfully call the attention of the members to that portion of Rule 3 which states, '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'."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2795, and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Van Hollebeke, Walgren, Wanamaker, Washington, Wilson, Woody—47.

Voting nay: Senator von Reichbauer—1.

Excused: Senator Talley—1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2795, having received the 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 Mardesich, the Senate resumed consideration of Engrossed House Bill No. 95.

SECOND READING

ENGROSSED HOUSE BILL NO. 95, by Representative Kilbury:

Adding a new chapter which revises all statutes relating to eggs and egg production.

The Senate resumed consideration of Engrossed House Bill No. 95 on second reading. On Wednesday, April 23, 1975, the committee amendment, as amended, was adopted.

MOTION

On motion of Senator Jolly, the Senate moved to reconsider the vote by which the committee amendment, as amended, was adopted.

The motion for reconsideration carried.

The President declared the question before the Senate to be adoption of the committee amendment, as amended.

Senator Goltz moved adoption of the following amendment by Senators Goltz, Jolly and Wilson to the committee amendment:

Strike the Goltz amendment to the committee amendment adding a new section 37.

POINT OF INQUIRY

Senator Benitz: "Will Senator Goltz yield to a question? This whole bill is quite technical and it gets into pretty much detail and as you know it has been in and out of the legislature for some time so we have to depend on the Department of Agriculture. Have these amendments been run by the Department of Agriculture?"

Senator Goltz: "It is my understanding, Senator Benitz, that they have and I believe that the way the bill was originally drafted was the way the amendments will now fix it to be, but the problem was that as I read the bill and as our caucus attorney read the bill, we thought that it would still require the smallest flock owner to appeal to the Department of Agriculture for exemption and for regulation. That is exactly the kind of problem we have in the Forest Practices Act. The person who has one tree, apparently,

has to go through the same process as the one who has a forest. I just do not think we ought to become involved at the smallest level of operation."

The motion by Senator Goltz carried and the amendment to the committee amendment was adopted.

On motion of Senator Wilson, the following amendments by Senators Goltz, Jolly and Wilson were considered and adopted simultaneously:

On page 15, strike all of subsections (c) and (e).

Re-number subsection (d) as subsection (c).

On page 19, following section 33, insert the following:

"*NEW SECTION. Sec. 34.* The provisions of this chapter shall not apply to the sale of eggs by any poultry producer from his own flocks directly to a household consumer exclusively for use by such consumer and members of his household and his non-paying guests and employees, and the transportation, possession, and use of such eggs or the sale of eggs by any egg producer with an annual egg production from a flock of three thousand or less hens."

Re-number the remaining sections consecutively.

The motion by Senator Jolly carried and the committee amendment, as amended, was adopted.

On motion of Senator Jolly, the rules were suspended, Engrossed House Bill No. 95, 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 Rasmussen: "Will Senator Jolly yield to a question? Senator Jolly, section 28, 'every egg handler or dealer who pays assessments required under the provisions of this chapter on a monthly basis in lieu of the seals shall be subject to audit by the director on an annual basis.' Then it goes on to say, 'failure to pay assessments when due or refusal to pay for such audit costs may be cause for a summary suspension of egg handlers or dealers license.' In effect, if this fellow had a hard season and did not pay his assessments, the Director of Agriculture can remove his license to raise eggs, sell eggs, or handle eggs and he would never be able to pay his assessment."

Senator Jolly: "Senator Rasmussen, as far as my understanding is that this is also the present law, that he can do the same thing at the present time."

Senator Rasmussen: "Then this is even worse than some of the other laws that we passed."

Senator Jolly: "Under the present state law."

Senator Rasmussen: "He can throw a man out of business if he cannot afford to pay his assessment."

Senator Jolly: "We had several egg dealers and egg producers in to testify before our committee and none of them testified against this bill. As I say, I am not an egg producer so I am not sure of this, but they were all in favor of the bill and more in favor of this bill than the present one that is on the books."

Senator Rasmussen: "That is pretty high-handed controls."

Senator Jolly: "But the assessment, as I understand it, is only one-tenth of one percent, or one mill rather, of each dozen eggs and this just pays for the inspection fee."

Senator Rasmussen: "Senator Jolly, I can recall the cattle producers said that that just added to the amount of loss that they had and this could be the same way with the chicken raisers. Thank you."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 95, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; nays, 2; excused, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Pe-

tersen, Pullen, Ridder, Sandison, Scott, Sellar, Stortini, Van Hollebeke, Walgren, Wan-
amaker, Washington, Wilson, Woody—46.

Voting nay: Senators Rasmussen, von Reichbauer—2.

Excused: Senator Talley—1.

ENGROSSED HOUSE BILL NO. 95, 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.

SIGNED BY THE PRESIDENT

The President signed:
SENATE BILL NO. 2192,
SENATE BILL NO. 2530.

MOTION

At 12:08 p.m., on motion of Senator Mardesich, the Senate recessed until 1:00 p.m.

AFTERNOON SESSION

The President called the Senate to order at 1:00 p.m.

The President declared the Senate to be at ease.

The President called the Senate to order at 1:15 p.m.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of En-
grossed House Bill No. 988.

SECOND READING

ENGROSSED HOUSE BILL NO. 988, by Representatives Thompson and Par-
dini:

Providing for presidential primaries.

Senators Mardesich, Rasmussen and Lewis (Harry) 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 Mardesich, the Senate proceeded under the Call of the Senate.

REPORT OF STANDING COMMITTEE

April 14, 1975.

ENGROSSED HOUSE BILL NO. 988, providing for presidential primaries (re-
ported by Committee on Constitution and Elections):

MAJORITY recommendation: Without recommendation.

Strike all material after the enacting clause and insert the following:

"NEW SECTION. Section 1. In each year when a president of the United States is to be nominated and elected, there shall be held a presidential preference primary at which voters may vote for any one candidate of a major political party for nomination for president. The presidential preference primary shall be held on the fourth Tuesday in May of each presidential election year.

NEW SECTION. Sec. 2. Each voter shall have the opportunity to vote on the official presidential preference primary ballot for one person to be the candidate for nomi-

nation by a major political party for president of the United States. The name of any such candidate for a major political party nomination for president of the United States shall be printed on the ballots only:

(1) If the secretary of state shall have determined that the individual's candidacy is generally advocated or recognized in the national news media throughout the United States and shall have certified to each major political party, on or before the sixtieth day preceding the presidential preference primary, the names of the individuals he or she has determined to be recognized candidates for the nomination of that party to the office of president; or

(2) If members of the political party of the candidate shall have presented a petition for nomination of such candidate which shall have attached thereto a sheet or sheets containing the signatures of at least a number of registered voters who declare themselves in the petition as being affiliated with the same political party as such presidential candidate, equal to one percent of the vote cast in the state for the candidate of such political party for president at the last presidential election, or at least three thousand such registered voters, whichever number is the greater. The petition shall be filed with the secretary of state not later than the forty-fifth day prior to the presidential preference primary. The signature sheets shall also contain the residence address and name or number of the precinct of each registered voter whose signature appears thereon and shall be certified to in the manner prescribed in RCW 29.79.200 and 29.79.210.

Each person desiring to vote in the presidential preference primary shall sign his or her name on a list, at the polling place, under the designation of the major political party primary in which he or she intends to vote, at which time the precinct election worker shall give such person the appropriate primary ballot. A separate ballot shall be printed for each major political party which has candidates whose names have been authorized for placement on presidential preference primary ballots under the provisions of subsections (1) and (2) of this section. The names of all presidential candidates for a party's nomination for the office of president shall be listed alphabetically in a column on that party's ballot. If the state's committee of either major political party directs the secretary of state to cause to be placed on the presidential preference primary ballot the names of candidates for election as delegates and alternate delegates to such party's national nominating convention under the provisions of section 4(1) of this act, then a separate ballot shall be printed for each major political party which has candidates for delegate and alternate delegates. The names of all candidates for delegate and alternate delegate shall be listed alphabetically in a column under the name of the presidential candidate to whom the delegate or alternate delegate is committed. In the event that the candidate for delegate or alternate delegate is uncommitted to any particular presidential candidate, those names shall be listed in alphabetical order under the designation of "uncommitted delegates or alternate delegates".

NEW SECTION. Sec. 3. Each major political party shall select delegates and alternate delegates to its national nominating convention by the method and under such rules and regulations, not inconsistent with this chapter, as the state committee of such major political party may prescribe.

Each candidate for the position of delegate, prior to the selection of delegates at the presidential primary or by such other means as the state committee of the major political party may prescribe, shall submit to the state chairman of the appropriate political party the following pledge:

Delegate Pledge

I,, do hereby swear that I am a supporter of
. for the office of President of the United States; and that if elected as a delegate to the Party National Convention I pledge to cast my ballot as a delegate to said convention for said candidate on the first two ballots unless released by said candidate, and I pledge furthermore to do all that I can to advance the cause of said candidate at the national convention.

NEW SECTION. Sec. 4. (1) If the state committee of either major political party

directs the secretary of state to cause to be placed on the presidential preference primary ballot the names of candidates for election as delegates and alternate delegates to such party's national nominating convention, then the partisan presidential preference expressed at such election shall be nonbinding and of no force or effect upon any delegates or alternate delegates of such party elected thereat, and the following procedures shall apply to such election:

(a) Each voter may vote his preference on the official nominating ballot for as many delegates and alternate delegates as have been allotted to this state or to the congressional district, as appropriate. A plurality vote shall be sufficient to elect a delegate or alternate delegate to any national convention, and the allotted number of candidates receiving the highest number of votes shall be deemed elected;

(b) At the time a person files a statement of candidacy for delegate or alternate delegate to a national nominating convention, he shall also file a petition containing the signatures of at least five hundred registered voters residing in such person's congressional district, together with a statement declaring (i) the name of such person's preference for president or (ii) that such person is uncommitted. The filing period for the position of delegate or alternate delegate shall open the first Monday in April of each year in which a presidential preference primary is to be held and shall close on the first succeeding Friday. All statements of candidacy for delegate or alternate delegate positions, and accompanying petitions, shall be filed with the secretary of state;

(c) If party rules so provide, the name of a candidate for delegate or alternate delegate to a national nominating convention shall not appear on the ballot as being committed to a presidential candidate unless said presidential candidate's explicit written authorization therefor has been presented to or is in the possession of the secretary of state at his office in Olympia prior to the time the secretary of state must certify the names of candidates to the county auditors.

(2) If a party does not elect delegates pursuant to subsection (1) of this section, such party shall elect all of the delegates and alternate delegates to its national nominating convention from among the candidates for such positions who have subscribed to the delegate pledge required by section 3 of this act and who have declared themselves to be supporters of the presidential candidate who received the greatest number of votes among candidates of that major political party at the presidential preference primary election.

NEW SECTION. Sec. 5. Insofar as is practicable, and where the provisions of this chapter do not specifically indicate otherwise, the presidential preference primary shall be conducted in the same manner as a state primary, including the certification of the election returns by the state canvassing board: PROVIDED, That the requirement of rotation of names on the ballot shall not apply to the candidates listed on the presidential preference primary ballot: PROVIDED FURTHER, That the Secretary of state shall certify the names of all candidates who will appear on such ballot to the respective county auditors on or before the fourth Tuesday in April of each presidential year. County auditors, at their discretion, may combine and consolidate two or more precincts for the purpose of conducting this election only: PROVIDED, That no voter shall be required because of such consolidation to go to a location different from that of the last regular election. The secretary of state as chief election officer may make rules and regulations in accordance with chapter 34.04 RCW to facilitate the operation, accomplishment, and purpose of this chapter.

NEW SECTION. Sec. 6. At a presidential preference primary, a voter may vote for no more than one presidential candidate. Any presidential preference primary ballot with more than one such vote shall be void.

Notwithstanding the provisions of RCW 29.18.200, in the event an election for delegates and alternate delegates shall be held pursuant to section 4(1) of this act, a voter may vote only for delegates and alternate delegates of the same political party as such voters' indicated choice for president. If any voter votes for delegates or alternate delegates from more than one party, all such votes will be rejected.

Notice to the effect of the provisions of this section, couched in clear, simple language and printed in large type, shall appear on the face of each presidential preference

primary ballot. Where voting machines or electronic voting devices are in use, the notice shall be displayed on or about each machine or device.

NEW SECTION. Sec. 7. Whenever a presidential preference primary election is held as provided by this chapter, the state of Washington shall assume all costs of holding such election if held alone: PROVIDED, That if any other election or elections shall be held at the same time, the state shall be liable only for its prorated share. Each county auditor shall determine the election costs, including the state's prorated share, if applicable, and shall file a certified claim therefore with the state auditor. The state auditor shall compile such claims for presentation to the next succeeding legislature in the same manner as other legislative relief claims.

NEW SECTION. Sec. 8. Sections 1 through 7 of this 1975 act are added to Title 29 RCW as a new chapter thereof.

NEW SECTION. Sec. 9. If any provision of this 1975 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 Beck, Chairman; Grant, Stortini, Washington.

The bill was read the second time by sections.

Senator Walgren moved adoption of the committee amendment.

Senator Lewis (Harry) moved adoption of the following amendment to the committee amendment:

On page 2, beginning with "Each" on line 10 strike the balance of section 2.

Debate ensued.

Senator Grant demanded a roll call. The demand was not sustained.

The motion by Senator Lewis (Harry) carried and the amendment to the committee amendment was adopted on a rising vote.

Senator Walgren moved adoption of the following amendment to the committee amendment:

On page 4, after subsection (c) insert a new subsection as follows:

"(d) The secretary of state shall list such candidates for delegate or alternate delegate on the ballot in the manner requested by the appropriate state central committee of each major political party."

Debate ensued.

Senator Mardesich demanded a roll call and the demand was sustained by Senators Bluechel, Talley, Knoblauch, Beck, Day, Rasmussen, Walgren and Jolly.

The President declared the question before the Senate to be the roll call on the amendment by Senator Walgren to the committee amendment.

The Secretary commenced the roll call.

MOTION

At 2:05 p.m., on motion of Senator Mardesich, the Senate was declared to be at ease.

The President called the Senate to order at 5:50 p.m.

The President declared the question before the Senate to be the roll call on the amendment by Senator Walgren 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, 12; nays, 37.

Voting yea: Beck, Bottiger, Donohue, Francis, Herr, Keefe, Knoblauch, Marsh, Sandison, Stortini, Talley, Walgren—12.

Voting nay: Senators Bailey, Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Fleming, Goltz, Gould, Grant, Guess, Henry, Jolly, Jones, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Scott, Sellar, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Wilson, Woody—37.

The motion by Senator Walgren failed and the amendment to the committee amendment was not adopted.

NOTICE OF RECONSIDERATION

Having voted on the prevailing side, Senator Mardesich served notice that he would move for reconsideration of the vote by which the amendment by Senator Walgren to the committee amendment was not adopted.

MOTIONS

On motion of Senator Mardesich, the Senate dispensed with the Call of the Senate.

At 5:55 p.m., on motion of Senator Mardesich, the Senate adjourned until 9:45 a.m., Friday, April 25, 1975.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

FORTY-THIRD DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, April 25, 1975.

The Senate was called to order at 9:45 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senators Francis, Gould and Murray. On motion of Senator Knoblauch, Senator Francis was excused. On motion of Senator Scott, Senators Gould and Murray were excused.

The Color Guard, consisting of Pages Martha Hausmann and Steven Miller, presented the Colors. Reverend Arthur I. Anderson, pastor of Gloria Dei Lutheran Church of Olympia, offered the following prayer:

"O GOD, UNSEEN, YET EVERYWHERE AND ALWAYS PRESENT, IN THIS MOMENT OF PRAYER, MAKE US AWARE OF YOUR PRESENCE AND OF YOUR WILL AND PURPOSE. THROUGH YOUR PROPHET, AMOS, YOU HAVE GIVEN YOUR ABIDING ADMONITION TO: "LET JUSTICE ROLL ON LIKE A MIGHTY RIVER, AND INTEGRITY FLOW LIKE A NEVER-FAILING STREAM".

"MAY THE INTENT OF THIS ETERNAL WORD BE MANIFEST IN ALL OF THE DELIBERATIONS AND ACTIONS OF THIS LEGISLATIVE BODY AND OF ITS VARIOUS COMMITTEE MEETINGS THIS DAY. IN OUR SERVICE, LORD, MAKE US WISE WITH YOUR WISDOM, JUST WITH YOUR SPIRIT, STRONG WITH YOUR POWER, AND GLAD THROUGH YOUR GRACE.

"GOD OF ALL COMFORT, WE WOULD THIS DAY, IN A MOMENT OF SILENT PRAYER, INVOKE YOUR BENEDICTION UPON FORMER SENATOR PERRY WOODALL AND TO THE MEMBERS OF HIS FAMILY. WE THANK

YOU FOR HIS LONG AND FAITHFUL SERVICE TO THE CITIZENRY OF THIS STATE. PEACE BE TO HIS MEMORY.

"BREATHE ON US BREATH OF GOD, FILL US WITH LIFE ANEW THROUGH JESUS CHRIST, OUR LORD. AMEN."

MOTION

On motion of Senator Mardesich, the reading of the journal was dispensed with and it was approved.

MESSAGES FROM THE HOUSE

April 24, 1975.

Mr. President: The Speaker has signed:

SENATE BILL NO. 2127,

SENATE BILL NO. 2384,

SENATE BILL NO. 2402, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

April 24, 1975.

Mr. President: The Speaker has signed: HOUSE BILL NO. 324, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 324.

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

REPORTS OF STANDING COMMITTEES

April 23, 1975.

SENATE BILL NO. 2938, authorizing the director of the department of labor and industries to establish industrial health and safety programs for employers (reported by Committee on Labor).

RECOMMENDATION: That Substitute Senate Bill No. 2938 be substituted therefor and the substitute bill do pass.

Signed by: Senators Ridder, Chairman; Bailey, Grant, Matson, Morrison, Sellar, von Reichbauer.

Referred to Committee on Ways and Means.

April 24, 1975.

HOUSE BILL NO. 170, providing an extension of time for tax exemption on use of propane in motor vehicles (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass.

Signed by: Senators Walgren, Chairman; Benitz, Bluechel, Bottiger, Knoblauch, Lewis (R. H. "Bob"), Morrison, Peterson, Sellar, Wanamaker.

Passed to Committee on Rules for second reading.

April 24, 1975.

HOUSE BILL NO. 230, authorizing the highway commission to establish requirements for unsafe road conditions (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Walgren, Chairman; Benitz, Bottiger, Guess, Knoblauch, Lewis (R. H. "Bob"), Morrison, Peterson, Sellar, Wanamaker.

Passed to Committee on Rules for second reading.

April 23, 1975.

ENGROSSED HOUSE BILL NO. 305, staggering renewal date for motor vehicle registration (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Walgren, Chairman; Beck, Guess, Jolly, Lewis (R. H. "Bob"), Morrison, Peterson, Sellar, Wanamaker.

Passed to Committee on Rules for second reading.

April 23, 1975.

SUBSTITUTE HOUSE BILL NO. 970, regulating water rights (reported by Committee on Ecology):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Washington, Chairman; Goltz, Murray, North.

Passed to Committee on Rules for second reading.

MOTIONS

On motion of Senator Mardesich, the Senate advanced to the sixth order of business.

On motion of Senator Mardesich, the Senate commenced consideration of Senate Bill No. 2130.

SECOND READING

SENATE BILL NO. 2130, by Senators Washington, Murray, Goltz and Guess:

Adding provisions for recovery and recycling to litter control and solid waste collection laws.

MOTIONS

On motion of Senator Washington, Substitute Senate Bill No. 2130 was substituted for Senate Bill No. 2130 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Lewis (Harry), the following amendments were adopted:

On page 5, line 9, strike entire section and renumber remaining sections accordingly.

On page 6, lines 8 and 9, strike "*from the litter control account*"

On motion of Senator Washington, the rules were suspended, Engrossed Substitute Senate Bill No. 2130 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: "Would Senator Washington yield? Senator Washington, does this bill place any kind of obligation, either fiscal, immediate, or potential or whatever on local government?"

Senator Washington: "No, it does not. It does not place any responsibility. It opens up opportunities for them without placing any obligations against them."

Senator Wilson: "But there is nothing else that local government has to do as a result of passage of this bill?"

Senator Washington: "No. It merely gives them an opportunity."

Debate ensued.

POINT OF INQUIRY

Senator Guess: "Would Senator North yield? Senator North, the reference has been made to Referendum 26 money. Can you describe to me how the department will make the distribution of Referendum 26 funds and at what amount?"

Senator North: "Senator Guess, Referendum 26 funds really must pass under the close scrutiny and control of the legislature. That is the way our Washington Future

accounts were set up. As local governments apply to the Department of Ecology for a grant, the department in turn presents the requests, after they have looked them over, to the legislature and the legislature controls the ultimate purse strings as to what is allocated and why, so we do have a close control and supervision over that. Now you might be interested to know that of the total amount that has been voted in the original bond account, only thirty million has been authorized to date and the total amount is two hundred and twenty-six million, so, Senator Guess, I think perhaps the concern here is that the legislature does have control. We will be closely watching to see how the funds are expended and that is part of the act."

Senator Guess: "Thank you, Senator North."

Senator Guess: "Now I would like to answer one thing for Senator Wilson. If you will go to page 2, (5), it declares: 'It is the intent of the legislature that local government be encouraged to use the expertise of private industry and to contract with private industry to the fullest extent possible to carry out solid waste recovery and/or recycling processes,' and this was one of the things that I came down here with on my mind this year is to try to find some way of encouraging the recycling on the home front of those recyclable and recoverable wastes that seem to be a drug on the market as far as the local community is concerned, and a tremendous amount of energy has been put into the formation of these items and it should be that we should recover as much of that energy for future use as possible. The only thing that bothers me, and I will have to admit to you here on the floor that I am very reluctant to give to the Department of Ecology any further authority, but I believe that the bill so prescribes and circumscribes the Department of Ecology that they cannot get into this process themselves but has got to encourage the local agencies. If we come back and find at the beginning of the next session that the Department of Ecology has not carried this out, then I will be back to you to discuss it on the floor."

Further debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Will Senator Washington yield to a question? Senator Washington, on page 2, section 2, 'The purpose of this chapter is to establish comprehensive statewide program for solid waste handling and solid waste recovery and/or recycling.' Is that the intent that the State Department of Ecology will set this up? This in effect would give it that program. Solid waste recovery. What I am thinking about, would they somehow be empowered to move in, take over the local garbage disposal and create a statewide grid?"

Senator Washington: "Absolutely not. We do hope that we will have a program that is statewide in scope, that every part of the state, every community in the state, is encouraged to take part in this program. I think you can go through this bill with a fine tooth comb and that you cannot find any place where the Department of Ecology has a carte blanche to move ahead. The original bill, the Governor's bill, this is part of the bill. It had a tremendous financial impact. These have all been taken out by the committee, the committee feeling that what we wanted to do, particularly in this field, the technology is not far enough advanced to have what you might term a rigid statewide system controlled by the state. We could have a statewide system that would be worked out by the communities on a voluntary basis. We also felt that until the technology is well developed that we are in no position to even have what you would call regional plans or county-wide plans or statewide plans. We just do not know in what direction it is going to go and definitely they would not have the power that you are concerned about."

Senator Rasmussen: "Senator Washington, I can see with that statement there and using the Administrative Procedures Act that we could have a full-blown state division set up as we have had many others where they are more and more reaching for power and we eventually have something that we are all complaining about."

Senator Washington: "I think if you go down through it you will see that everything is directed towards the granting and assisting individual local districts, local areas — for instance, it could be a sewer district, a city, and if in the future we have any type of a garbage collection district, those could be included in an act such as this. I might say,

while I am on my feet, that as far as Senator Woody is concerned we did want to encourage federal grants. This is an area where money is available, but we did not set up a program where a city had to move into that program. If we had said each city will develop a plan and will do such and such and that they can use federal funds to do this, this I think you could have some fears, but this is purely voluntary. If they wish to go into this field and can find federal funds, then they would be able to make an application for the use of referendum funds.

POINT OF INQUIRY

Senator Wilson: "Will Senator Washington yield again please? Senator, I would like to explain in a little more detail what my concern is about the matter of potential local government involvement. Several years ago the legislature passed an act which mandated that counties develop solid waste disposal programs, namely, phasing out the old type of garbage dump and getting into a new system of sanitary landfills. That act said that the Department of Ecology, which was entrusted with the encouragement of such a program, would, with whatever funds were available, reimburse counties for the expenses they were encountering in trying to develop sanitary landfill systems. Now during the current biennium, the Department of Ecology has come up with zero dollars to supply to local government in trying to meet this new need that was mandated by the state legislature. During the current budgetary process, the Department of Ecology has not even requested funds for that purpose. In other words, there was an implied expression in that legislation that while the state was imposing a new obligation on county government, it would at the same time put up the money for it, and it has not and there is no indication that Ecology or any other department has any intention of doing that. Now the result of this is that in each county health department somebody or some people are having to spend considerable time on trying to develop sanitary landfills at the expense of not inspecting restaurants or not doing other things the county health departments are entrusted with, so I think the essence of my question is, why, if we have failed so completely to implement our commitment even with respect to the basic matter of disposing of solid wastes, are we now creating a new program which by virtue of some of the wording on page 4 such as 'providing incentive or county government' which often become more of a club than a true incentive, are we now getting into the more advanced area of recycling solid waste? I do not have any quarrel, you know, with the motivation or intent or desirability of this program but I am concerned that we may be getting into an area of compelling in one way or another county government to do something even more than what we have already told them to do and have refused to fund?"

Senator Washington: "Senator Wilson, would you please repeat that question? Senator Wilson, I think the answer is the difference between this and the solid waste recovery act is that we do not mandate. I think that was the essential thing. We mandated and said 'You must do this,' and then we have not followed up with the essential money. Here we merely encourage and I think it is important that we encourage them. Now that we have placed upon them the burden of collecting this waste and managing it, I think we should start giving them some tools so that they can turn this waste into a valuable product so that they will perhaps be able to actually achieve an income from the waste that they receive. I think that this is a positive way and I think that it does offer a means in the future where funds can be made available to them to carry out solid waste management. Actually, all we asked them to do was to have solid waste management. Now we are asking them and we are going to cooperate with them to turn that into a valuable product."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2130, and the bill passed the Senate by the following vote: Yeas, 35; nays, 9; absent or not voting, 2; excused, 3.

Voting yea: Senators Bailey, Beck, Bluechel, Bottiger, Buffington, Fleming, Goltz, Grant, Guess, Henry, Herr, Jolly, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"),

Mardesich, Marsh, Matson, McDermott, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, von Reichbauer, Walgren, Wanamaker, Washington—35.

Voting nay: Senators Benitz, Clarke, Cunningham, Day, Keefe, Rasmussen, Van Hollebeke, Wilson, Woody—9.

Absent or not voting: Senators Donohue, Jones—2.

Excused: Senators Francis, Gould, Murray—3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2130, having received the 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 Mardesich, the Senate commenced consideration of Senate Bill No. 2560.

SECOND READING

SENATE BILL NO. 2560, by Senators Jolly and Benitz:
Relating to agriculture.

MOTIONS

On motion of Senator Jolly, Substitute Senate Bill No. 2560 was substituted for Senate Bill No. 2560 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Wilson, the following amendments were considered and adopted simultaneously:

On page 3, line 11, after "a loan" and before "or combination" strike "or grant".

On page 3, line 12, before "shall not" strike "thereof" and insert "loan and grant".

Senator Wilson moved adoption of the following amendment:

On page 5, line 5, after "representatives." and before "Members" insert "The members of the legislature who serve as ex officio members shall collect data for reports to the agricultural committees of the Senate and House of Representatives and for future legislative proposals, and shall be deemed engaged in legislative business while in attendance upon the business of the technical advisory committee and shall be limited to such allowances therefor as provided in Chapter 43.03 RCW, the same to be paid from the state and local improvement revolving account—water supply facilities, as being expenses relative to agricultural water supply facilities."

POINT OF INQUIRY

Senator Rasmussen: "Will Senator Wilson yield to a question? Senator Wilson, recently an announcement was made that the Department of Ecology was going to release and grant the applications for water over in eastern Washington. I understand that that has been changed now, that when the Governor got back into town he said no. Would this be an appropriate bill to put some type of leverage in there to say that the Department of Ecology shall comply with the law?"

Senator Wilson: "Senator Rasmussen, the subject you are raising pertains to the granting of water right applications. This bill pertains to the allocation of Referendum 27 bond issue funds in the form of grants or loans to local irrigation districts. I am not the one to decide whether your suggestion technically would fall within the scope and object of the bill but I would have to say that it is not the intent of this bill to concern itself with water right applications."

Senator Rasmussen: "My thought was that this would be the appropriate vehicle to carry something like that and maybe Senator Benitz would want to explore that and put it in on the other side. Thank you."

Debate ensued.

POINT OF INQUIRY

Senator Goltz: "Would Senator Wilson yield to a question? Are we on your amendment on page 5, line 5?"

Senator Wilson: "That is correct."

Senator Goltz: "I notice that on the third line from the bottom it refers to some obligations to be paid from state and local improvement accounts. Oftentimes people in my county are concerned about placing an obligation upon local government which is not paid. I wonder if we are placing a local government obligation without paying the bill?"

Senator Wilson: "No, we are not, Senator. The phrase 'state and local improvement revolving account' is the name which is technically applied to the depository being used for Washington Future bond issues money and this in no way places any obligation on local government."

The motion by Senator Wilson carried and the amendment was adopted.

On motion of Senator Jolly, Engrossed Substitute Senate Bill No. 2560 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 Sellar: "Senator Wilson, would you yield to a question? Senator Wilson, on section 18 of the bill on page 7 appears to speak to previous commitments. Could you explain the intent of this please?"

Senator Wilson: "Yes. As I indicated earlier, the department with a previous advisory committee was taking some action in this area, and during the course of that action, upon recommendation of the earlier advisory committee, the department made written commitments to four irrigation projects. One of these four, which was the Agnew project, already has received about a fifty-five thousand dollar grant under terms of the authority which the department holds with respect to disbursing these funds. The other three irrigation projects which received written commitments during the earlier consideration were the Snipes Mountain project, the Okanogan project, whose commitment was later amended orally, and the Wenatchee Heights project. It is the feeling of the Senate Agriculture Committee that these commitments should be honored, and Mr. Biggs has authorized me to state that they will be honored, provided only that the local districts fulfill their share of the arrangements within a reasonable period of time."

POINT OF INQUIRY

Senator Washington: "Would Senator Wilson yield to a question? In this bill, does it give any authority for grants or must all future funds be allocated on the basis of loans?"

Senator Wilson: "Senator Washington, this bill provides for either grants or loans or combinations of loans and grants as set forth at the top of page 3. The matter of whether districts will receive loans, grants or combinations will be up to the advisory committee and the department to consider on a project by project basis."

Senator Washington: "Thank you."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2560, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Goltz, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—46.

Excused: Senators Francis, Gould, Murray—3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2560, having received the 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 Mardesich, the Senate commenced consideration of Engrossed House Bill No. 486.

SECOND READING

ENGROSSED HOUSE BILL NO. 486, by Representatives Berentson, Thompson, Hansey and Gallagher:

Authorizing state support for certain county ferries.

The bill was read the second time by sections.

On motion of Senator Wanamaker the rules were suspended, Engrossed House Bill No. 486 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. 486, and the bill passed the Senate by the following vote: Yeas, 44; nays, 2; excused, 3.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Goltz, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—44.

Voting nay: Senators Scott, Sellar—2.

Excused: Senators Francis, Gould, Murray—3.

ENGROSSED HOUSE BILL NO. 486, having received the 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 11:00 a.m., on motion of Senator Mardesich, the Senate recessed until 12:33 p.m.

AFTERNOON SESSION

The President called the Senate to order at 12:33 p.m.

MOTION

At 12:35 p.m., on motion of Senator Mardesich, the Senate recessed until 1:30 p.m.

SECOND AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of Engrossed House Bill No. 92.

There being no objection, Senator Donohue was excused.

SECOND READING

ENGROSSED HOUSE BILL NO. 92, by Representatives Wojahn, Jueling, Curtis,

Ceccarelli, Erickson and Gilleland (by request of Committee on Commerce of the Forty-third Legislature):

Imposing liability for certain taking of merchandise.

REPORT OF STANDING COMMITTEE

March 6, 1975.

ENGROSSED HOUSE BILL NO. 92, imposing liability for certain taking of merchandise (reported by Committee on Commerce):

RECOMMENDATION: Do pass with the following amendments:

On page 1, line 9 of the engrossed bill, being the House amendment to page 1, line 9, after "owner" insert "or seller".

On page 1, line 11 of the engrossed and printed bill, after "to the" and before "seller" insert "owner or", and after "for the" strike "retail" and insert "replacement".

On page 1, line 13 of the engrossed and printed bills, after "two hundred dollars" insert a period and strike the remainder of the sentence.

On page 1, line 18 of the engrossed bill, being the House amendment to page 1, line 17, after "owner" and before "and" insert "or seller"

On page 1, line 21 of the engrossed bill, being line 20 of the printed bill, after "to the" and before "seller" insert "owner or" and after "for the" strike "retail" and insert "replacement"

On page 1, line 23 of the engrossed bill, being line 22 of the printed bill, after "two hundred dollars" insert a period and strike the balance of the sentence.

On page 1, line 25 of the engrossed bill, being line 23 of the printed bill, after "to the" and before "seller" insert "owner or"

On page 2, line 1 of the engrossed bill, being page 1, line 29 of the printed bill, after "the" and before "seller" insert "owner or".

On page 2, line 2 of the engrossed bill, being page 1, line 30 of the printed bill, after "action by" strike "a" and insert "an owner or".

Signed by: Senators Van Hollebeke, Chairman; Cunningham, Morrison, Peterson, Ridder.

The bill was read the second time by sections.

On motion of Senator Marsh, the committee amendment to page 1, line 9 was adopted.

Senator Marsh moved adoption of the committee amendment to page 1, line 11.

POINT OF INQUIRY

Senator Bottiger: "Would Senator Marsh yield to a question? Senator Marsh, that sounds to me like you are violating the normal rule of damage in the value. The conversion statute would provide the fair market value of the product and now you are going down to a wholesale value."

Senator Marsh: "That is correct. And this is the judgment of the Judiciary Committee that we should adopt a lesser damage requirement, if you will, and if it is possible for the goods to be replaced at a wholesale cost rather than a retail cost, the majority of the committee thought it should be done at the wholesale cost or the replacement cost. Sometimes it might work the other way if the goods were rare and not easily replaced, but normally it would allow some savings."

POINT OF INQUIRY

Senator Talley: "Would Senator Marsh yield to a question? In handling, unpacking and placing on the shelves of these goods, there is quite a labor cost in there. Don't you think he should have some compensation for that?"

Senator Marsh: "Senator Talley, the bill provides that in addition to being liable for the replacement cost, that the shoplifting party, the liable party will also be liable for the cost of a court action up to two hundred dollars. That would offset some of that handling cost."

Senator Talley: "I do not understand the cost of the court action. What has that got to do with the merchandise?"

Senator Marsh: "This bill contemplates that when a person has been charged in a civil action for shoplifting that a court action can be brought for the replacement value plus cost of preparing and presenting the cause of action, not less than one hundred dollars nor more than two hundred dollars. Now you will also note in section 4 that it says that if possible, if the claim is under three hundred dollars, it will be tried in small claims court. Now in small claims court you do not have an attorney. It is just the plaintiff versus the defendant and normally your cost would not amount to two hundred dollars just for court costs there, because all you have is the filing fee and so there really is, in most cases, some latitude there for covering the costs."

Senator Talley: "Then in your opinion the merchant would have the right to recover his labor costs and things on top of the wholesale cost of the merchandise?"

Senator Marsh: "He would have a right to have the replacement value plus the cost of bringing the suit, and in some cases if he got a generous award for the cost of the suit, that would cover the labor cost. Not in all cases but in some cases it would."

Senator Cunningham: "Senator Marsh, with your permission, I would like to respond a bit to Senator Talley's question and also Senator Bottiger's in that this came out of the Commerce Committee. One of the reasons for using the word 'replacement' was not to warrant wholesaling for those who choose to shoplift but in order to make this fit in the small claims court where you have statutory prohibitions on the value of the claim, and realizing that sometimes the markup is one hundred percent. A one hundred and fifty dollar wholesale stereo component could have a retail value of three hundred dollars and you would not be able to go into small claims court, so that is also some of the thinking behind using the term 'replacement'."

Debate ensued.

On motion of Senator Bottiger, the following amendment to the committee amendment was adopted:

Amend the committee amendment to page 1, line 11 as follows: On the third line of the amendment strike all the matter after "owner or"

The motion by Senator Marsh carried and the committee amendment, as amended, was adopted.

On motion of Senator Marsh, the committee amendments to page 1, lines 13 and 18 were adopted.

Senator Marsh moved adoption of the committee amendment to page 1, line 21.

Senator Clarke moved adoption of the following amendment to the committee amendment:

Amend the committee amendment to page 1, line 21 as follows: On the third line of the amendment strike all the matter after "owner or"

Debate ensued.

The motion by Senator Clarke carried and the amendment to the committee amendment was adopted on a rising vote.

The motion by Senator Marsh carried and the committee amendment, as amended, was adopted.

On motion of Senator Marsh, the committee amendments to page 1, lines 23 and 25 and to page 2, lines 1 and 2 were adopted.

Senator Francis moved adoption of the following amendment:

On page 1 of the engrossed and printed bills, strike all of subsection (2). Renumber the remaining subsections.

Debate ensued.

PARLIAMENTARY INQUIRY

Senator Bottiger: "Mr. President, I think I have a point of parliamentary procedure. If I would choose to offer an amendment to subsection 2, would it come before Senator Francis's amendment striking subsection 2?"

REPLY BY THE PRESIDENT

The President: "Yes, Senator Bottiger."

Senator Bottiger moved adoption of the following amendment:

On page 1, line 15 of the engrossed and printed bills, after "the" and before "custody" strike "legal" and insert "actual physical".

POINT OF INQUIRY

Senator Francis: "Would Senator Bottiger yield? Senator Bottiger, if I were to offer myself as a poster parent for a juvenile who was in a great deal of trouble down at juvenile court and the judge and the others, including the actual parents who could not control the child because that child was doing so much shoplifting, if I was to offer myself as a foster parent in that situation in order to try to help straighten out that person's life, would I, under your amendment, be liable for any shoplifting that child does while in my custody?"

Senator Bottiger: "Senator Francis, I think you would. I think you could be under either circumstance because there is usually a court order placing that child with you that would put it in your legal custody as well. Senator Woody reminds me that we have many children in the legal custody of the state of Washington and we are exposing ourselves to some liability in that respect."

Senator Francis: "Thank you, Senator Bottiger."

Debate ensued.

POINT OF INQUIRY

Senator Washington: "Mr. President, would Senator Bottiger yield to a question? Your amendment would strike the word 'legal' and make 'actual' and I think someone raised a point that what we may be doing is making it difficult and discouraging people from taking juvenile delinquents into their homes, and I think you need to have some sort of a saving clause that someone who has a delinquent or someone who is on the verge of delinquency, in their custody for that purpose, that they should not be liable. I have not tried to draw the amendment because I have not been a part of this, but it seems to me something along that line should be put in."

Senator Bottiger: "Senator Washington, I do not know how you can cure that. No matter what we do with that section, unless we put it down and put a proviso in of some kind, you are either going to have some kids for whom there is not any responsibility or, if you leave it the way the bill is written, you may have the state of Washington which has legal custody of children, you may have a parent who has not seen the kid for two years, liable under this act."

MOTION

Senator Rasmussen moved that Engrossed House Bill No. 92, as amended, be referred to the Judiciary Committee.

Debate ensued.

President Pro Tempore Henry assumed the Chair.

MOTION

Senator Stortini moved that Engrossed House Bill No. 92, as amended, be placed at the beginning of the second reading calendar for Monday, April 28, 1975.

The motion by Senator Rasmussen failed on a rising vote.

The motion by Senator Stortini carried. Engrossed House Bill No. 92, as amended, was ordered placed at the beginning of the second reading calendar for Monday, April 28, 1975.

MOTIONS

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

Senator Lewis (Harry) moved adoption of the following resolution:

SENATE RESOLUTION 1975-37

By President Cherberg, Senators Lewis (Harry), Mardesich, Matson, Bailey, Keefe, Henry, Morrison, Benitz, Sandison, Knoblauch, Guess, Washington, Beck, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Herr, Jolly, Jones, Lewis (R. H. "Bob"), Marsh, McDermott, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Wilson and Woody:

WHEREAS, Perry B. Woodall, our former colleague, passed away this 25th day of April 1975; and

WHEREAS, His service to his district, county, state and the country extended over a public career spanning thirty years as a member of the House of Representatives, where he served as minority floor leader, as attorney to the Speaker of the House, Senator and minority floor leader of the Senate, President of the Central Washington Fair, as an officer in the United States Navy, and as a candidate for the offices of Governor and Lieutenant Governor of the State of Washington; and

WHEREAS, His public service was marked by unusual ability as a legislator, legislative leader, parliamentarian, orator, and an eloquent persuasive advocate whose accomplishments have been exceeded by none and equaled by few; and

WHEREAS, He was above all a man who was committed to a set of principles that included love of his fellow man, backed up by word and deed by making a thirty-year investment to public life; and

WHEREAS, He was noted as being a champion of people legislation; among his most noteworthy accomplishments, in addition to his many beneficial changes in the laws pertaining to the judiciary, was the act providing benefits to the victims of crimes; and

WHEREAS, His wit and talent and ability as a story teller and entertainer left all who knew him in his debt for the enrichment of their lives; and

WHEREAS, All of these qualities combined to make Perry B. Woodall, for both ally and adversary, a man among men; and

WHEREAS, It is fitting and proper that we pause in memory of this man whose loss to the state is great;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the state of Washington in legislative session assembled, that the members of the Senate do hereby extend to the family their commiseration with their loss and assure them that the passing of Perry B. Woodall has saddened the many who knew him; that the memory of Perry and his energy and consciousness of the importance of service to the common cause will be a reminder and model worthy of emulation by those who still have the same opportunities before them.

REMARKS BY SENATOR HARRY LEWIS

Senator Lewis (Harry): "Mr. President and members of the Senate, Perry came from Toppenish and I guess to say that he was extraordinary would be an understatement. He had those human qualities right on the surface of him; emotion, eloquence, heart, directness and courage, and I think other adjectives that you could all add to this. He was a very sensitive man, sensitive to people, to life, to government. He practiced as an attorney by himself, did some farming, gave his life to the legislature. Perry has returned to Toppenish and we will miss him."

REMARKS BY SENATOR KNOBLAUCH

Senator Knoblauch: "Mr. President and members of the Senate and ladies and gentlemen of the gallery, there is a time to laugh and there is a time to cry, and today we cry over the death of a very dear friend. Senator Perry Woodall was surely one of our greatest citizens and greatest statesmen. What a remarkable man. Perry Woodall was as beloved on the Democratic side of the Senate as he was by his own party. He was truly a great man and he brought credit to the word 'politician.' And what a debater. He was to the state of Washington what the Clays and the Websters, the Haynes and the Douglasses

were to the members of our United States Congress. Listen quietly and you can almost hear the voice of Perry Woodall, the voice ringing out in the Senate chambers, as he was involved in one of our debates. Perry loved a good fight. He was a great debater and he loved to debate. And he surely must be one of the greatest legislators in our state's history. Just imagine, nearly thirty years of service to the people of the state of Washington and to the people of his district and his state.

"Perry Woodall loved Toppenish and Toppenish loved Perry Woodall. They gave him their trust and their faith, and for thirty years he represented them here in Olympia. Perry was proud of the faith and trust placed upon him by the people whom he represented, and in return he gave his best. And he was one of the best that ever sat here in Olympia.

"Perry was a veteran of World War II, serving in the Navy, and had great love for his country and his flag. He was extremely proud of his membership in the American Legion. In the early part of the 1970's it hurt Perry Woodall when some of the young folks in our country trampled and burned our American flag that he fought so proudly to defend. He was always one that was proud of his state and his nation.

"I was so happy when I read on Tuesday that Perry was going to be considered for a state position that in two years he could receive a decent salary for thirty years of sacrifice made for the state of Washington. He gave up most of his law practice so he could be a public servant, and in return was going to receive so little compensation for his efforts. And then sadly I heard the news Tuesday afternoon or evening that Perry had had a stroke, and now today came the tragic news of his death. Though he did not have a good fortune of a long retirement on earth, surely there will be a special place in heaven for Perry Woodall. I shall remember him in my nightly prayers, the same as I remember my mother and father and my sisters, a brother, and other relatives and friends, I pray that God will have mercy on his soul and grant him rest and eternal happiness.

"Many years ago Perry Woodall and I had a falling out in the House, and for a while there was hatred in my soul against Perry Woodall. In time that was forgotten and we became the best of friends, and when Perry retired and came back to Olympia he always made it a point to come to my office, and this meant an awfully lot to me. Yes, there is a time to laugh and a time to cry, and none of us will ever forget the ability of Perry Woodall as a storyteller. And we can stop a moment again and almost hear the boisterous laugh of Perry as he told some of his friends another one of his famous jokes. I can always smile when I think of our friend Perry. Nothing in life is better than to have good friends. Good friends are something that money cannot buy. And you could not buy the friendship of Perry Woodall, you had to earn it, and Perry had a lot of friends. How terrible it would be in life if you did not have someone you could go to and talk in confidence, someone whose confidence and advice is worth much more than money can buy, someone who is most special to you. Perry Woodall was one of those people.

"Years ago I memorized a poem that I have recited on this floor a few times and it is entitled 'Friends.' It means much to me because God has blessed me with so many dear friends, and today in behalf of the members of the Senate I want to repeat these few words and dedicate them to a very dear friend of every person in this audience.

'Life is sweet because of the friends we have made
And the things which in common we share.
We want to live on not because of ourselves
But because of the people who care.
It is giving and doing for somebody else
On this all of life's splendor depends.
And the joy of this world
When you hve summed it all up,
Is found in the making of friends.'

"Senator Perry Woodall, you have earned the tribute, 'Well done, thou good and faithful servant.' "

REMARKS BY SENATOR MORRISON

Senator Morrison: "Mr. President, ladies and gentlemen of the Senate, in 1969

Perry called me one day from over in the House chambers and I got over here and he had both tears in his eyes and a smile on his face that he is famous for, again reacting to this group, this Senate, said, 'Do you know what that bunch of jerks has done to me?' And he showed me that resolution that all of you sponsored a few years ago, paying tribute to Perry at that time. One of the very proudest days in his life, and I commend this body for having the sensitivity to provide that sort of honor for someone truly deserving of it.

"In December, just this past year, those of us in Perry's home area put together a special night in his honor, and Pete Francis is still smiling. We had a good time and Perry had again one of the times of his life. Thank goodness we took that evening. The Morrison and the Woodall farms are back to back, and all of us in that part of the world would like to claim Perry. We really would. But you and I, we all know, his life was right here. You were his life. And so on behalf of his friends back home, the neighbors, everyone in our community, I would like to say to each one of you and to the employees of the Senate, the people that Perry knew so well through these years, thank you for your friendship to him. Thank you for the many courtesies that you know he appreciated and also extended back to you, and now on this day in sadness, thank you for your loving memory of him."

REMARKS BY SENATOR DAY

Senator Day: "Mr. President, ladies and gentlemen of the Senate, Perry Woodall was a great American; he was a great legislator and a statesman in the process; he was a great lawyer and a real man's man. As an American you know he was a veteran. He defended his country against its enemies, both foreign and domestic, and he felt sometimes I think that some of those enemies were more domestic than foreign. He was quick to defend principles of his country and spoke with a great deal of reverence and pride of history. You have heard him make speeches on the floor in which he did just exactly this. He always fought fairly and strongly as a legislator. His position, when he felt it was right, there was no retreat to Perry. Timing and fortune were good to him and they were very bad to him. I submit to you that had the timing been right, had he sought the office of Congress or of United States Senate, he would not have been state-renowned; he would be world-renowned. He was a statesman; he was for or against on the basis of principle and he never wavered, regardless of his party's stance, on an issue or even a friend's stance. He would get up and tell you he thought you were wrong and he would do an excellent and fair job in the process.

"I once told him if I was ever on trial for my life that I would want him to present the case. He was the Clarence Darrow of the Senate, in my opinion, and in addition he never lost the objective means to explain his position and do it so all could understand, regardless of how complex the subject was. He was a brilliant defense lawyer.

"The press, many, many of them, the vast majority, loved him. Some of them disliked him and I think he would have been the first to defend freedom of the press and probably gave them the strongest arguments on this floor. For those who disliked him and took some very, very bad shots at him, they won't have to worry about the size of his pension now. They tried to kill him politically and I hope and pray to God for their sakes that they did not contribute to his early earthly demise. I count myself very fortunate for having known this type of a man who was a real man, personable, friendly, strong, trustworthy, highly honorable type of a human being with all the traits of a real man, and I count myself very fortunate to have had him as a friend.

REMARKS BY PRESIDENT JOHN A. CHERBERG

Our State of Washington today is mourning the loss of one of its most distinguished public servants. Our colleague, Perry Woodall, in many ways exemplified the very highest qualities of leadership and dedication to the public good. His ability to grasp the complexities of legislation, his ability to translate those complex problems in simple and straightforward terms, his willingness to weigh public problems in the rigid balance of the public good, his untiring dedication to his public duties — all these things made him one of our state's most capable and most honored Senators. But for us here today, we

mourn with equal sorrow the loss of this dear personal friend, this man of steady charm, spontaneous wit, ready warmth and unquestioned loyalty. Our state shall deeply miss Senator Perry Woodall. Those of us in this gathering here today shall deeply miss our dear friend Perry.

The motion by Senator Lewis (Harry) carried and the resolution was unanimously adopted.

MOTIONS

There being no objection, the Notices of Reconsideration by Senator Cunningham on Engrossed Substitute Senate Bill No. 2692 and by Senator Rasmussen on Engrossed Substitute Senate Bill No. 2736 were ordered held for Monday, April 28, 1975.

On motion of Senator Knoblauch, Senator Keefe was excused.

On motion of Senator Mardesich, the Senate returned to the sixth order of business.

SECOND READING

ENGROSSED HOUSE BILL NO. 278, by Representatives Sommers, Shinpoch, Charnley, Kraabel, Matthews and North (by Department of Social and Health Services request):

Providing for nursing home accounting systems.

REPORT OF STANDING COMMITTEE

March 7, 1975.

ENGROSSED HOUSE BILL NO. 278, providing for nursing home accounting systems (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass with the following amendment:

On page 2, line 8 of the engrossed bill, being line 7 of the printed bill, after the period insert: "*The department shall purchase ambulance care by contract either on a "fee for service" basis or at a reasonable cost based on a ratio of charges to cost. Any ambulance service when requested by the department shall supply such information as necessary to justify its rate, charges, or costs. The department shall establish an ambulance accounting and reimbursement system which recognizes relevant cost factors, including a reasonable rate of return on investment, in providing ambulance services generally. The contract with any ambulance service shall provide that no payment shall be made to the ambulance service if it does not permit inspection by the department of its vehicles, premises, and records, including financial records.*"

Signed by: Senators Day, Chairman; Buffington, Goltz, Gould, McDermott, North, Pullen, Ridder, Van Hollebeke.

The bill was read the second time by sections.

Senator Day moved adoption of the committee amendment.

POINT OF INQUIRY

Senator Rasmussen: "Will Senator Day yield to a question? Senator Day, I am a little concerned about this bill and the amendment, particularly as relates to a county and would require the Department of Social and Health to set up reasonable accounting systems. Now my question in this: the Department of Social and Health is all fouled up over there and they have got innumerable snafus on their own accounting system. They hired Haskins and Sells to make a program evaluation. They came back with numerous recommendations on their accounting. How in heaven's name are they going to be able to set up a reasonable accounting system for the nursing homes when they cannot do it in their own department?"

Senator Day: "Senator, it is an attempt on our part and on the people in this particular relative to ambulance services and that is the thing we are talking about is the department's purchase of ambulance services. We need some basis to know what the basis of cost is and in order to do that we have got to have standardized bookkeeping proce-

dures and it is the idea of this amendment to provide those standardized procedures so the department can set fee schedules that will allow the operator to continue to operate and to, in addition, make a small profit, which of course every business has to make, and so that is what the amendment is before us at the moment. Now the ambulance companies came in and asked for this because presently the way the schedules of payment are, they say they are not being paid even the cost of the trip, and so it was our intent to let the department have an opportunity to discover what the true costs of these trips are and to pay accordingly."

Senator Rasmussen: "You are speaking on the amendment. I will ask you another question on the main bill then."

Senator Day: "The amendment is what is before us."

The motion by Senator Day carried and the committee amendment was adopted.

Senator McDermott moved adoption of the following amendment:

Beginning on page 1, line 30, after "*plant*," strike "*and a reasonable rate of return on investment*"

Debate ensued.

POINT OF INQUIRY

Senator North: "I would like to look at these words and ask Senator McDermott if he would yield to a question. Has the Department of Social and Health Services really come to grips with these words? Have they specifically defined what a reasonable rate of profit is? Are we talking about ten percent, three percent, thirty percent, fifty percent? I would submit that I think most members of this body are not aware of a three percent margin is what a not-for-profit organization must operate in. I think that is much tighter than most people are aware of, Senator McDermott."

Senator McDermott: "Senator North, members of the Senate, I called the audit section of the Department of Social and Health Services, the audit section that covers nursing homes, and I asked them directly, 'What does this phrase to you mean, a reasonable rate of return on investment?' and they do not have a definition for that. They use a number of different ways of figuring it. If a nursing home is debt financed, that is, they have gone out to a lending institution, they allow them to pass through their interest as a way of making some return on their investment. There are many homes that have gone out and sold the home to some other member of their family and then take the interest as a part of the rate of return, in addition raising the actual amount of investment, and the effect has been from figures given to me that they average between twelve and sixteen percent of return on investment in this state. Now that is above the four and one-half percent which they allow to nonprofit nursing homes, and that is the best information that I can give you. I think it is very clear they do not have a definition, and the reason I struck this out of the bill was because I did not know how to write that without us looking at the whole thing, as I think the Hospital Rate Commission, I think Senator Day raises a question, I think someday the Hospital Rate Commission ought to look at the whole process. Then we could allocate a reasonable rate. At the moment it is done totally on an irrational basis as to whatever the debt financing structure of a particular home is."

MOTION

Senator Rasmussen moved that Engrossed House Bill No. 278, as amended by the Senate, be held for further consideration on Monday, April 28, 1975.

Debate ensued.

POINT OF INQUIRY

Senator Washington: "A question to Senator McDermott or maybe someone else, perhaps Senator Clarke. Senator McDermott, first, is the problem in determining the amount really of investment and in that connection, would it be any more precise if you left in the words 'and a reasonable rate of profit'? It seems to me that profit perhaps is easier to determine and come by than by taking in the investment which may be inflated? I am not sure whether I am helping it or not. I am just offering that. I will ask Senator McDermott first and then if Senator Woody wants to take a try at it, he can."

Senator McDermott: "I would defer to anyone who is more familiar with the utilities area than I am, but it seems to me that we have a great body of law related to setting utility rates. We have gone into great detail figuring out exactly how we want to do it. We have nothing in this area by which the department can operate. They operate totally at their own discretion and it is that question that I think we ought to just strike this until we adopt the body of law that says, as we have with hospitals, we have put all the hospitals under the Hospital Rate Commission; I would be glad to prepare an amendment to put the nursing homes under the same commission. I think without that kind of body of law to operate by, we have really turned the department loose to do whatever it chooses."

Senator Woody: "I am only looking for the correct language in the statute. It is my vague recollection, until I find that language, that if you use the word 'profit' that means that whatever you may pay the administrator or anyone else is overhead anything on top of that is profit so he can, in essence, puff up his costs; whereas if you use the term, and I think this is the term used in the rate setting in Transportation and Utilities, that is 'reasonable rate of return of investment' the person cannot unreasonably puff up his own expenses that in turn go into his own pocketbook."

Senator Henry: "I can verify that, Senator Woody. The salary schedules are filed with the commission. It becomes the rate of return upon your investment."

Further debate ensued.

The motion by Senator Rasmussen failed on a rising vote.

President Pro Tempore Henry declared the question before the Senate to be adoption of the amendment by Senator McDermott.

The motion by Senator McDermott failed and the amendment was not adopted on a rising vote.

On motion of Senator Day the rules were suspended, Engrossed House Bill No. 278, 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. 278, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; absent or not voting, 2; excused, 4.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Fleming, Francis, Goltz, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—43.

Absent or not voting: Senators Matson, Rasmussen—2.

Excused: Senators Donohue, Gould, Keefe, Murray—4.

ENGROSSED HOUSE BILL NO. 278, 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 Peterson, Senate Bill No. 2954 was ordered to hold its place on the second reading calendar for Tuesday, April 29, 1975.

On motion of Senator Mardesich, the Senate returned to the first order of business.

REPORT OF STANDING COMMITTEE

April 15, 1975.

ENGROSSED HOUSE BILL NO. 861, relating to appropriations (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, strike everything after the enacting clause and insert the following:

NEW SECTION. Section 1. The legislature finds it necessary to adopt a period of funding for legislative activities and costs which relate to the authority and intent of the elected body currently assembled pursuant to the Constitution and laws of this state, by establishing a biennial appropriation period coinciding with the current legislative session and succeeding sessions of the forty-fifth legislature. A legislative budget as set forth in section 2 of this act is hereby adopted and subject to the provisions set forth in the following sections, the several amounts specified, or so much thereof as shall be necessary, are hereby appropriated and authorized to be disbursed for salaries, wages, and all other expenses of the legislature.

NEW SECTION. Sec. 2. FOR THE STATE LEGISLATURE

General Fund Appropriation

Senate Expenses and salaries of members \$6,272,400

House of Representatives Expenses and salaries of members \$6,870,351

NEW SECTION. Sec. 3. There is added to chapter 43.88 RCW a new section to read as follows:

In order to continue the constitutionally mandated doctrine of separation of powers and maintain the legislative branch as a separate but co-equal branch of state government and for the purpose of permitting the legislature to effectively control its own expenditures the senate and house of representatives, their employees, including the chief clerk of the house and the secretary of the senate, and their standing committees shall be exempt from all of the provisions of this chapter and shall not be subject to the rule making powers of any other agency relating to the management or control of expenditures: PROVIDED, HOWEVER, That nothing in this 1975 amendatory act shall preclude post audits by the state auditor under existing statutes.

Each house of the legislature is hereby authorized and directed to establish its own accounting system based on sound budgeting, accounting, and fiscal practices.

NEW SECTION. Sec. 4. 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, strike the title and insert:

"AN ACT relating to expenditures by the legislature; adding a new section to chapter 43.88 RCW; making appropriations; and declaring an emergency."

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Wilson, Second Vice Chairman; Bailey, Fleming, Grant, Marsh, Murray, Sandison, Washington.

MOTIONS

On motion of Senator Mardesich, the rules were suspended and the committee report on Engrossed House Bill No. 861 was read in full.

On motion of Senator Mardesich, the committee amendment was adopted.

On motion of Senator Mardesich, the committee amendment to the title was adopted.

On motion of Senator Mardesich, the rules were suspended, Engrossed House Bill No. 861, as amended by the Senate, was advanced to third reading.

POINT OF INQUIRY

Senator Newschwander: "I wonder if Senator Mardesich would yield to a question? I notice in the original House bill that came over, the dates for this allotment for the legislature was from the first of February, 1975 to January 31, 1977. Now in our amendment we are using the same amount of money and you said we might be short. Doesn't this mean that we have to come back in January and have another legislative appropriation to get through the biennium?"

Senator Mardesich: "Yes, we are going back to the system of appropriating as we arrive for the biennium following that."

Debate ensued.

POINT OF INQUIRY

Senator Lewis (Harry): "Would Senator Mardesich yield? Senator, I am looking at Senate expenditures dated April 23 on Senator Snyder's stationery and it shows that we have about one hundred and eighty thousand dollars left and that we have spent, including bills, about five million seven forty. Now, in looking at the amendment, does this mean the Senate expenses and salaries of members are six million two seventy-two four hundred? There is no starting date that I can see in the funding period whereas there was in the original bill. It appears to me that where we have already paid our expenses through today's date which is the 25th, that there should be a deduction here somewhere for those monies that we have already spent, and I wonder if you could explain the relationship between Senator Snyder's publication and Senator Mardesich's six million dollars, how they fit."

Senator Mardesich: "If you look to that second page which was handed to you, which is the estimated expenditures for the 75-77 biennium, you will note there that there is a detailed analysis that shows a per month and a biennium expense. It shows that costs of operation would be five million dollars and the additional for session expenses would be two million zero fifty-six. We have deducted from that amount the sum of seven hundred and ninety thousand dollars which would be the balance for the period through June, and then the six million two hundred and seventy-two thousand balance which is left in the bill would be that portion which was designed to carry us through January of 1977."

Senator Lewis (Harry): "Are you saying that six million dollars will carry us from now through January?"

Senator Mardesich: "Six million plus what we have on hand, yes."

Senator Lewis (Harry): "Six million plus one hundred and eighty thousand is what is necessary to carry from now through January, 1977. I see. And that is assuming how long a session next January, Senator?"

Senator Mardesich: "That will put us back into a situation where we will have to come back and as of January 30th appropriate again on our best estimate at that time what the length of the session will be."

Senator Lewis (Harry): "And what about a September session, Senator Mardesich?"

Senator Mardesich: "That possibility, at the time this figure was made, had not been allocated for. As I indicated earlier, I thought that as a consequence of the school problem, if there is either a continuing or new session that these figures could well cause us problems and we may have to appropriate more for that special session."

Senator Lewis (Harry): "And finally, Senator Mardesich, I note the remarkable job that has been done here and I really mean that, not facetiously, but could you tell me, do you really think that Representative Sawyer needs the money?"

Senator Mardesich: "If I were to judge from the look on his face this morning. . . ."

POINT OF INQUIRY

Senator Odegaard: "I wonder if Senator Harry Lewis would yield to a question? Senator Lewis, since both Senator Snyder and I reside in the Twentieth District, I was just a little puzzled when you said 'Senator Snyder.'"

Senator Lewis (Harry): "I am delighted to see that you are nervous, Senator."

MOTION

On motion of Senator Lewis (R. H. "Bob"), Senator Matson was excused.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 861, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; excused, 4.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Grant, Guess, Henry, Herr,

Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—44.

Voting nay: Senator Scott—1.

Excused: Senators Gould, Keefe, Matson, Murray—4.

ENGROSSED HOUSE BILL NO. 861, as amended by the Senate, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was order to stand as the title of the act.

MOTION LIMITING DEBATE

On motion of Senator Mardesich, the Senate will adhere to the three minute rule of limiting debate.

MOTION

On motion of Senator Mardesich, the Senate resumed consideration of Second Substitute Senate Bill No. 2628.

SECOND READING

SECOND SUBSTITUTE SENATE BILL NO. 2628, by Committee on Higher Education (originally sponsored by Senators Sandison, Benitz, Guess, Scott and Goltz):

Enacting new law relating to regulation of postsecondary proprietary schools and their agents.

The Senate resumed consideration of Second Substitute Senate Bill No. 2728. On Wednesday, April 23, 1975, Senator Sandison had substituted Second Substitute Senate Bill No. 2628 for Senate Bill No. 2628, and placed the bill on second reading.

Senator Bottiger moved adoption of the following amendment:

On page 3, line 4, add the following:

PROVIDED, HOWEVER, That employees of the school whose activities are limited to the premises of the school should not be considered "agents" within the meaning of this act."

Debate ensued.

The motion by Senator Bottiger failed and the amendment was not adopted on a rising vote.

There being no objection, the amendment by Senator Bottiger to page 4, line 8 on the Secretary's desk, was withdrawn.

Senator Bottiger moved adoption of the following amendment:

On page 14, line 23, after "in" insert "the". Strike "such" and insert after "sum" "of \$1000.00"

Debate ensued.

The motion by Senator Bottiger failed and the amendment was not adopted.

Senator Bottiger moved adoption of the following amendment:

On page 15, after line 31 insert a new subsection as follows:

"(5) In lieu of the surety bond required by this section the school or agent as the case may be may file with the agency a deposit consisting of cash or other security acceptable to the executive officer of the agency."

Debate ensued.

The motion by Senator Bottiger carried and the amendment was adopted.

MOTIONS

On motion of Senator Lewis (R. H. "Bob"), Senator Bluechel was excused.

On motion of Senator Sandison, the rules were suspended, Engrossed Second Substitute Senate Bill No. 2628 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 Senate Bill No. 2728, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bailey, Beck, Benitz, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—45.

Excused: Senators Bluechel, Gould, Keefe, Matson—4.

ENGROSSED SECOND SUBSTITUTE SENATE BILL NO. 2628, having received the 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 Walgren, the Senate commenced consideration of Engrossed House Bill No. 451.

SECOND READING

ENGROSSED HOUSE BILL NO. 451, by Representatives Haussler, Pardini and Sommers (by Department of Revenue request):

Pertaining to the cigarette excise tax.

The bill was read the second time by sections.

On motion of Senator Donohue, the rules were suspended, Engrossed House Bill No. 451 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Would Senator Donohue yield to a question? Senator Donohue, has this bill been cleared by the Governor's Indian Advisory Commission?"

Senator Donohue: "Senator Rasmussen, all I can tell you that during the Ways and Means hearing there was no one there that objected to this bill and no one from the Indian Affairs Advisory Commission was present, and I have not heard from them."

Senator Rasmussen: "Then the second question, would it be possible to make it a little more palatable to the forty tribal chiefs that we could maybe divert this money into the tribal funds, this tax that they would collect?"

Senator Donohue: "I had not thought of that, Senator."

Senator Rasmussen: "It would be possible then?"

Senator Donohue: "I suppose."

Senator Rasmussen: "Thank you."

POINT OF INQUIRY

Senator Talley: "Would Senator Donohue yield to a question? How about the people that live on the border and go over into Oregon and buy two cartons?"

Senator Donohue: "This does not have any effect upon those people, Senator. This is purely those people that buy from the Indians on the reservation that are not members of the tribe. This is the only thing that this deals with."

Senator Talley: "Thank you. If it did, half of my constituents would be in jail in a week."

Debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 451, and the bill passed the Senate by the following vote: Yeas, 29; nays, 14; absent or not voting, 2; excused, 4.

Voting yea: Senators Bailey, Beck, Benitz, Bottiger, Clarke, Cunningham, Donohue, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Marsh, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Ridder, Scott, Sellar, Stortini, Van Hollebeke, Wanamaker, Wilson, Woody—29.

Voting nay: Senators Buffington, Day, Francis, Goltz, Grant, Guess, McDermott, Pullen, Rasmussen, Sandison, Talley, von Reichbauer, Walgren, Washington—14.

Absent or not voting: Senators Fleming, Mardesich—2.

Excused: Senators Bluechel, Gould, Keefe, Matson—4.

ENGROSSED HOUSE BILL NO. 451, having received the 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 Walgren, the Senate commenced consideration of Engrossed Senate Bill No. 2698.

THIRD READING

ENGROSSED SENATE BILL NO. 2698, by Senator Francis:

Permitting legislative authorities of home rule counties to designate up to twelve unclassified position of administrative responsibility.

The Senate resumed consideration of Engrossed Senate Bill No. 2698. The committee amendments were adopted on Tuesday, April 22, 1975.

Debate ensued.

POINT OF INQUIRY

Senator Grant: "Would Senator Fleming yield to a question? Senator Fleming, can you tell me the positions that the sheriff of King County indicated were necessary to be filled under this and whether or not they are filled now?"

Senator Fleming: "I think I would refer to Senator Francis on that. He had a list of those with him the other day."

Senator Grant: "Included in that list was not there a legal officer, Senator Francis? I think I saw the list the other day. I will just make some comments about it. I believe there was a legal officer which the sheriff now has, a communications engineer which the sheriff now has. An administrative assistant which the sheriff now has. The only thing is that this takes it out of civil service, the appointment of those positions. He has five positions he can appoint. That is the same as for the city of Seattle which is a heck of a lot larger police force. He has those five appointments but the only point is, he wants seven more you take out of the arena of civil service and, sure, maybe the county council does have the authority to approve these things, but King County is in a unique position in that the prosecutor there has said that Department of Public Safety is open to open competitive examinations within various ranks above entering patrolmen, by outside law enforcement agencies, or anybody outside that may have some qualifications, whereas the city of Seattle and other police departments and county sheriffs; departments in this state are not open, so we have the situation, and that is the subject of another bill that is down in Rules that I think should really be a companion to this one. What we have is the situation where the King County Police Department is open for anybody to move in but there is no opportunity for those people to move into the Seattle Police Department on a like basis, and I think there should be some reciprocity here and I really think that this bill is not near as important as the one that is in Rules and should at least be part of a package."

Senator Fleming: "Just briefly to respond to Senator Grant, I recognize the other bill that he is talking about and, sure, the rank and file of the sheriff's department, they wanted this bill and they came down here and asked for the bill last time. We passed it and it went over to the House and they came back down again this time, and the argument was that they wanted to close off their tests to be able for someone to come in and take the promotional test as Seattle has. I prefer to open them all, but we put a self-des-

tract clause on this saying we were taking a look at the overall system throughout the state. Maybe they all should be open or they all should be closed. They want to keep the promotional test within the rank and file and this bill is pretty much the same kind of thing. Those rank and file people are the ones that Senator Grant is talking about at this point in time. They are saying that they do not want this situation. The management, in most levels of government we do give exempt positions and he wants to be able to do two things, the flexibility, if he wants to take someone out of the rank and file, out of the civil service ranks for these positions, this would allow him to do it. If he wanted to go outside of the civil service and pick someone, as I indicated before it might not be in line through civil service avenues for this type of job, he would be able to do this, so I think this just gives him additional flexibility. I hope you vote for the bill."

President Pro Tempore Henry declared the question before the Senate to be the roll call on final passage of Engrossed Senate Bill No. 2698.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2698, and the bill passed the Senate by the following vote: Yeas, 39; nays, 5; absent or not voting, 2; excused, 3.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Fleming, Francis, Goltz, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Marsh, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, Walgren, Wanamaker, Washington, Wilson—39.

Voting nay: Senators Bottiger, Grant, Rasmussen, von Reichbauer, Woody—5.

Absent or not voting: Senators Donohue, Mardesich—2.

Excused: Senators Gould, Keefe, Matson—3.

ENGROSSED SENATE BILL NO. 2698, having received the 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 Walgren, the Senate returned to the first order of business.

REPORTS OF STANDING COMMITTEES

April 23, 1975.

SENATE BILL NO. 2386, amending the laws providing for licensing of snowmobiles and providing for the distribution of such fees (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Walgren, Chairman; Benitz, Bluechel, Bottiger, Guess, Knoblauch, Lewis (R. H. "Bob"), Morrison, Wanamaker.

Passed to Committee on Rules for second reading.

April 18, 1975.

SENATE BILL NO. 2812, relating to education (reported by Committee on Education):

MAJORITY recommendation: That Substitute Senate Bill No. 2812 be substituted therefor and the substitute bill do pass and the bill be referred to the Committee on Ways and Means.

Signed by: Senators Stortini, Chairman; Francis, McDermott, von Reichbauer.

Referred to Committee on Ways and Means.

April 23, 1975.

ENGROSSED HOUSE BILL NO. 587, providing for creation of West Seattle

access development commission (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Walgren, Chairman; Henry, Vice Chairman; Bluechel, Bot-tiger, Knoblauch, Lewis (R. H. "Bob"), Morrison, Sellar, Wanamaker.

Passed to Committee on Rules for second reading.

PERSONAL PRIVILEGE

Senator North: "Ladies and gentlemen of the Senate, there is an issue before you that is something of very serious concern to me. It is something that I have worked on for a good many years, both before I was in the legislature and during the six years that I have been here. It has been on your calendar for three weeks. It is a little constitutional amendment that would put into the Constitution automatic machinery to redistrict and reapportion our state legislature if the legislature failed to act. Only if they do not do the job."

POINT OF ORDER

Senator Walgren: "I do not think the Senator is speaking on a matter of personal privilege."

Senator North: "I will come right to the point. I am going to ask, ladies and gentlemen, that you read, study and think carefully over the weekend, that you take time to discuss it in caucus. I would like to act on it on Monday and would very much appreciate your serious attention to this. Thank you."

MOTIONS

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

At 4:20 p.m., on motion of Senator Walgren, the Senate adjourned until 11:00 a.m., Monday, April 28, 1975.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

FORTY-SIXTH DAY**MORNING SESSION**

Senate Chamber, Olympia, Monday, April 28, 1975.

The Senate was called to order at 11:00 a.m. by President Pro Tempore Henry. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Bottiger, Francis, McDermott and Scott. On motion of Senator Knoblauch, Senators Bottiger and McDermott were excused. On motion of Senator Lewis (R. H. "Bob") Senator Scott was excused.

The Color Guard, consisting of Pages Michael Rude and Shena Eberle, presented the Colors. Reverend Paul J. Beeman, pastor of the First United Methodist Church of Olympia, offered the following prayer:

"DEAR GOD AND FATHER OF US ALL, WE ENTER A NEW WEEK IN THE WORK OF THIS BODY TODAY, AND WE ENTER IT IN YOUR PRESENCE AND UNDER YOUR GUIDANCE. WE ARE AWARE THAT LAST WEEK'S WORK IS NOT YET COMPLETED, AND THAT EACH OF US IS FACED WITH UNFINISHED TASKS AT HOME WHICH CROWD INTO OUR CONSCIOUS CONCERNS. WE PRAY THIS MORNING SIMPLY THAT YOU WILL CLEAR OUR MINDS AND CONSCIOUSNESS SO THAT THE BEST AND CLEAREST UNDERSTANDING MAY BE OURS, AND SO THAT THE BEST POSSIBLE DECISIONS MAY BE MADE TODAY. MAKE US AWARE OF THE ENRICHMENT EACH OF US CAN BE TO THE LIVES OF THE OTHERS AROUND US. MAKE US AWARE THAT OUR COMPANIONS ARE DOING THEIR BEST, JUST AS WE ARE TRYING TO DO OUR BEST. SO GRANT US THE INSIGHT AND AWARENESS TO EXPRESS OUR GRATITUDE, OFFER A SMILE, AND A FRIENDLY WORD OF AWARENESS. WE OFFER THIS DAY TO YOU, WITH FULL GRATITUDE FOR IT, IN THE NAME OF OUR MASTER AND LORD. AMEN."

MOTION

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

REPORTS OF STANDING COMMITTEES

April 25, 1975.

SENATE BILL NO. 2100, providing for licensing and regulating medical laboratories (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 2100 be substituted therefor and the substitute bill do pass.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Wilson, Second Vice Chairman; Bailey, Clarke, Fleming, Jones, Marsh, Murray, Rasmussen, Scott, Washington, Woody.

Passed to Committee on Rules for second reading.

April 25, 1975.

SENATE BILL NO. 2450, providing for modification in coverage of public employees collective bargaining units and in dispute resolution (reported by Committee on Labor):

RECOMMENDATION: That Substitute Senate Bill No. 2450 be substituted therefor and the substitute bill do pass.

Signed by: Senators Ridder, Chairman; Bailey, Grant, Matson, Morrison, Sellar, von Reichbauer.

Passed to Committee on Rules for second reading.

April 25, 1975.

SENATE BILL NO. 2485, authorizing a pilot project on bicycle registration (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: That Substitute Senate Bill No. 2485 be substituted therefor and the substitute bill do pass.

Signed by: Senators Walgren, Chairman; Benitz, Bluechel, Bottiger, Guess, Knoblauch, Lewis (R. H. "Bob"), Morrison, Wanamaker.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE HOUSE

April 25, 1975.

Mr. President: The Speaker has signed:

SENATE BILL NO. 2192,

SENATE BILL NO. 2530, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

April 25, 1975.

Mr. President: The House has passed:

ENGROSSED HOUSE BILL NO. 49,

ENGROSSED HOUSE BILL NO. 430,

SUBSTITUTE HOUSE BILL NO. 484,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 659,

ENGROSSED HOUSE BILL NO. 763,

HOUSE BILL NO. 781,

HOUSE BILL NO. 806, and the same are herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

INTRODUCTION AND FIRST READING

ENGROSSED HOUSE BILL NO. 49, by Representatives Adams, Savage and Parker (by request of the Committee on Social and Health Services of the Forty-third Legislature):

Making changes in the law relating to civil commitment and suicide.

Referred to Committee on Social and Health Services.

ENGROSSED HOUSE BILL NO. 430, by Representatives Wojahn and Pardini:

Prescribing requirements and procedures for award of professional services contracts.

Referred to Committee on State Government.

SUBSTITUTE HOUSE BILL NO. 484, By Judiciary Committee (originally sponsored by Representatives Maxie, Smith (Rick), Knowles, Eikenberry and North):

Authorizing superior court judges in class AA counties to transfer to the county the administration of juvenile program.

Referred to Judiciary Committee.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 659, by Judiciary Committee (originally sponsored by Representatives Newhouse, Knowles, Curtis, Bond, Eikenberry, Greengo, Hayner, Hendricks, Leckenby, Matthews, Nelson and Wilson):

Prescribing changes to the law against discrimination.

Referred to Judiciary Committee.

ENGROSSED HOUSE BILL NO. 763, by Representatives Hayner and Knowles:
 Authorizing juvenile court and department of social and health services to retain jurisdiction over delinquent juvenile until age twenty-one.
 Referred to Judiciary Committee.

HOUSE BILL NO. 781, by Representatives Bagnariol, Gallagher, Newhouse, Thompson, Curtis and Shinpoch:
 Establishing a state-wide uniform accounting system.
 Referred to Committee on Ways and Means.

HOUSE BILL NO. 806, by Representatives Randall and Gaines:
 Prescribing a change in assessing inspection fees for winter sports activity conveyances.
 Referred to Committee on Parks and Recreation.

MOTIONS

On motion of Senator Woody, Engrossed House Bill No. 92 was held for consideration following Senate Bill No. 2713.

On motion of Senator Mardesich, the Senate commenced consideration of Senate Bill No. 2727.

SECOND READING

SENATE BILL NO. 2727, by Senator Sellar:
 Setting compensation for port commissioners.

MOTIONS

On motion of Senator Fleming, Substitute Senate Bill No. 2727 was substituted for Senate Bill No. 2727 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Fleming, the rules were suspended, Substitute Senate Bill No. 2727 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Goltz: "I wonder if Senator Sellar would yield to a question? Senator Sellar, under the provisions of the word 'compensation' in this bill, does that compensation count toward any possible retirement benefit at a subsequent date?"

Senator Sellar: "It is not the intent of this to do that. This is a per diem, the same as a legislator per diem."

Senator Goltz: "I wonder if you remember the language that was added under a similar circumstance to a bill that reads as follows: 'The compensation provided pursuant to this chapter shall not be considered salary for purposes of the provisions of any retirement system created pursuant to the general laws of this state,' and if you would agree to an oral amendment which would place that into the appropriate section in the bill?"

Senator Sellar: "I would support you if you want to put it back to second reading for the purpose of that amendment."

Debate ensued.

MOTIONS

On motion of Senator Goltz, the rules were suspended and Substitute Senate Bill No. 2727 was returned to second reading.

On motion of Senator Goltz, the following amendment was adopted:

On line 16 add a new sentence to read: "The compensation provided pursuant to this section shall not be considered salary for purposes of the provisions of any retirement system created pursuant to the general laws of this state."

POINT OF INQUIRY

Senator Rasmussen: "Mr. President, will Senator Fleming yield to a question?"

Senator Fleming: "I would rather yield to Senator Sellar because he has worked this bill more than I have."

Senator Rasmussen: "You are probably aware of the arguments that appeared in the committee. It is my understanding, Senator Fleming, that port commissioners now may set their own salary."

Senator Fleming: "Yes."

Senator Rasmussen: "And King County, by action of the commissioners they used to get five thousand dollars a year; they reduced that back down to a dollar a year man."

Senator Fleming: "In the law they could actually get that but none of them was actually drawing that, and to go the per diem route or the salary route, you would have to go to a vote of the people."

Senator Rasmussen: "It is my understanding that in the Pierce County Port District they are getting two hundred dollars a month. How many meetings a month do they hold?"

Senator Fleming: "I am not so sure on that, Senator Rasmussen. First of all, on Seattle and Tacoma, from my understanding, in this bill they could actually draw less than they can—not less? Let Senator Sellar . . ."

Senator Rasmussen: "Then, Senator Fleming, I think the salary is two hundred dollars a month. Is it the intention that they go down in the afternoon and hold a meeting, is it the intention that they get the forty dollars per diem?"

Senator Fleming: "I think the intention of the per diem is pretty much the same as the per diem of the legislature or any other body as relates to per diem. If they spend any portion of a day doing port business, they would be able to receive per diem."

Senator Rasmussen: "In addition to the salary at the local point?"

Senator Fleming: "No, no, that salary part is stricken out. It is all based on per diem now and the two hundred dollars a month is stricken out under the substitute bill. It is just basically per diem, forty dollars a day per diem and they would be limited to seventy-two days per year."

Senator Rasmussen: "The provision for receiving a salary is repealed in this act?"

Senator Fleming: "Yes. There is no salary left in the bill. It is all per diem for every port, forty dollars a day, less days for the smaller ports, more days for the larger ports."

Senator Rasmussen: "Senator Fleming, then a further question, what does this do to those port commissioners who are receiving a salary — I am not aware how many there are in the state that are receiving a salary—are on the PERS system because of coverage? Does this then eliminate them from the retirement? You see, when they were getting salary and being paid twelve months out of the year they are entitled to belong to the Public Employees Retirement System the same as the rest of the employees of the port."

Senator Fleming: "Senator Sellar might want to address himself to that."

Senator Sellar: "I believe, Senator Rasmussen, that they are not. Of course anything that the existing port commissioners were receiving in that line, we could not retroactively take away but this per diem would not be, under the Goltz amendment, payable to any pension benefit. As to the Port of Tacoma, there are only two port districts that are presently receiving a salary, Moses Lake and Tacoma. Under the old system, they received two hundred dollars a month, regardless of whether they have any meetings or not. Under the new system they would receive a maximum of two hundred and forty if in fact they had six meetings during that given month. In the case of Moses Lake they would be limited to four meetings or one hundred and sixty dollars would be their maximum per diem that they could draw on any given month. Now we set it up on a forty-eight and a seventy-two day basis rather than going per month because it was felt that quite frequently in the budget process they meet a little bit more frequently and other times of the year they may not need to meet that frequently, so we set it up as a forty-eight and seventy-two in the year rather than limiting it to six or four in any given month."

Senator Rasmussen: "A further question enters my mind. Port commissioners, I

think are doing something to the retirement of those people that are on the system now by repealing this law, but port commissioners ordinarily they alternate and they take a trip around the world, three commissioners every other year to generate business. They are paid full expenses and travel for that. Would this per diem be in lieu of that, of their travel expenses?"

Senator Sellar: "It would not be in lieu of. They can, at attending this type of thing, receive their travel expenses and this would not be in lieu of."

Senator Rasmussen: "Thank you. You have thoroughly confused me. I am not so sure this is a good bill as it stands at the present time."

MOTIONS

On motion of Senator Sellar, Substitute Senate Bill No. 2727, as amended, was ordered held for further consideration following Senate Bill No. 2401.

On motion of Senator Mardesich, the Senate commenced consideration of Senate Bill No. 2146.

SECOND READING

SENATE BILL NO. 2146, by Senators Donohue, Buffington, Jolly and Ridder:
Establishing procedures for granting increases in firemen and police pension benefits.

REPORT OF STANDING COMMITTEE

April 17, 1975.

SENATE BILL NO. 2146, establishing procedures for granting increases in firemen and police pension benefits (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendments.

On page 3, following section 3, add a new section;

"Sec. 4. Section 8, chapter 382, Laws of 1973 1st ex. sess. and RCW 41.18.100 are each amended to read as follows:

In the event a fireman is killed in the performance of duty, or in the event a fireman retired on account of service connected disability shall die from any cause, his widow or her widower shall receive a monthly pension under one of the following applicable provisions: (1) If a fireman is killed in the line of duty his widow or her widower shall receive a monthly pension equal to fifty percent of his or her basic salary at the time of his or her death; (2) if a fireman who has retired on account of a service connected disability dies, his widow or her widower shall receive a monthly pension equal to the amount of the monthly pension such retired fireman was receiving at the time of his or her death. If she or he at any time so elects in writing and the board after hearing finds it to be financially beneficial to the pension fund, he or she may receive in lieu of all future monthly pension and other benefits, including benefits to child or children, the sum of five thousand dollars in cash. If there be no widow or widower at the time of such fireman's death or upon the widow's or widower's death the monthly pension benefits hereinabove provided for shall be paid to and divided among his or her child or children share and share alike, until they reach the age of eighteen or are married, whichever occurs first. The widow's or widower's monthly pension benefit, including increased benefits to his or her children shall cease if and when he or she remarries. [All pensions payable under the provisions of this section shall be subject to an annual cost of living increase which shall be equal to two-percent of the pension granted the widow or widower at the time of the death of the fireman. This increase shall be effective and be paid starting with the January payment of each succeeding year.]"

Renumber the remaining section consecutively.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Wilson, Second Vice Chairman; Bailey, Clarke, Jones, Marsh, Murray, Rasmussen, Sandison, Scott, Woody.

The bill was read the second time by sections.

Senator Donohue moved adoption of the committee amendment.

On motion of Senator Marsh, the following amendment to the committee amendment was adopted:

Amend the committee amendment as follows:

Strike the deleted material at the bottom of the amendment and insert: "All pensions payable under the provisions of this section shall be subject to an annual cost of living increase which shall be equal to two percent of the pension granted the widow or widower at the time of the death of the fireman. This increase shall be effective and be paid starting with the January payment of each succeeding year : *PROVIDED, That no pension payable under the provisions of this section shall be less than that specified under RCW 41.18.200*".

The motion by Senator Donohue carried and the committee amendment, as amended, was adopted.

On motion of Senator Donohue the rules were suspended, Engrossed Senate Bill No. 2146, 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. 2146, and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; excused, 4.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—44.

Voting nay: Senator Jones—1.

Excused: Senators Bottiger, Francis, McDermott, Scott—4.

ENGROSSED SENATE BILL NO. 2146, having received the 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 Mardesich, the Senate commenced consideration of Engrossed House Bill No. 131.

SECOND READING

ENGROSSED HOUSE BILL NO. 131, by Representatives Bauer, Hendricks, Fortson, Laughlin and McKibbin:

Requiring only that a school district make reasonable effort to maintain minimum term of school required by law in lieu of dissolution of such district.

The bill was read the second time by sections.

Senator Lewis (Harry) moved adoption of the following amendment by Senators Lewis (Harry) and Mardesich:

On line 21 of the engrossed bill, being the last line of the House Committee Amendment, after "year" insert ": *PROVIDED FURTHER, That in the event any school district has suffered any interruption in its normal school calendar due to a strike or other work stoppage or slowdown by any of its employees such district shall not be subject to the requirements of this section*".

POINT OF INQUIRY

Senator Gould: "Senator Lewis, will you yield to a question? Does this mean that a school will get its apportionment formula if it cannot meet the one hundred and eighty day requirement?"

Senator Lewis (Harry): "No, it means it cannot be dissolved in the event that there is a work stoppage due to a strike or a slowdown, that they could not dissolve the school district in the event that the school district did not meet the one hundred and eighty day requirement."

Senator Gould: "Okay, thank you."

The motion by Senator Lewis (Harry) carried and the amendment was adopted.

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

On page 1, at the beginning of line 18, strike "*attempt to make up*" and insert "*making up of*"

On page 1, line 19, after "*classes*" insert "*insofar as possible*"

POINT OF INQUIRY

Senator Lewis (Harry): "Would Senator Stortini yield? Senator, what is the purpose of the language you are inserting on line 9, the words 'insofar as possible'? What would be the effect of those words?"

Senator Stortini: "We are on line 18 and 19, Senator Lewis."

Senator Lewis (Harry): "On 19, after 'classes' as I understand it you insert 'insofar as possible.' What is the effect of that language?"

Senator Stortini: "For example, if a school district stops the 14th of June and school does go until the 15th of June, then that would be construed as meaning not going as far as possible. In other words, they would have one more day that they could possibly have made it up."

MOTIONS

On motion of Senator Lewis (Harry), the question was divided.

On motion of Senator Stortini, the amendment to page 1, line 18 was adopted.

Senator Stortini moved adoption of the amendment to page 1, line 19.

Debate ensued.

POINT OF INQUIRY

Senator Gould: "I am not sure exactly what it means either so I thought I would ask a question to try and clarify it. Will you yield, Senator Stortini? Does this mean that you would put more pressure on school districts to make up those days at the end of the year?"

Senator Stortini: "Yes, that is exactly the intent, and the sponsors felt that under the present language it was just too loose, that it could be construed to mean that if they made an attempt by coming back for one day, that would be sufficient. This simply means that they have to go so far as possible. In other words, attempt would have to be made right up to the end of that school year."

Senator Gould: "And when do you define as the school year? June 31st?"

Senator Stortini: "I would think whatever that district may have as far as its calendar."

Senator Gould: "Well, the fiscal year is the end of June."

Senator Stortini: "I believe the bill here is June 15th. The bill before us has the specific date of June 15th."

Further debate ensued.

POINT OF INQUIRY

Senator Odegaard: "Something that Senator Stortini said led me to believe that with his amendment the school year could go beyond June 15th. Is that what you said, Senator Stortini?"

Senator Stortini: "No, not at all. Line 21, we are talking about prior to June 15th of that school year. You cannot go beyond that."

Senator Odegaard: "That is what I read too but I thought you said something different."

The motion by Senator Stortini failed and the amendment was not adopted.

On motion of Senator Stortini, the following amendment was adopted:

On page 1, line 21 of the engrossed bill, being the last line of the House Committee amendment, after "year" insert the following: "*PROVIDED FURTHER, That school districts operating an extended school year program, most commonly implemented as a 45-15 plan, shall be deemed to be making a reasonable effort*".

Senator Gould moved adoption of the following amendment by Senators Mardesich, Gould and Lewis (Harry):

On page 1, line 24 add a section to read as follows:

"Section 2. Section 28A.41.170, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 78, Laws of 1973 1st ex. sess. and RCW 28A.41.170 are each amended to read as follows:

The superintendent of public instruction shall have the power and duty to make such rules and regulations as are necessary for the proper administration of this chapter not inconsistent with the provisions thereof, and in addition to require such reports as may be necessary to carry out his duties under this chapter: *PROVIDED, That the superintendent of public instruction shall have the authority to make rules and regulations allowing school districts to receive state apportionment moneys as provided in RCW 28A.41.130 when said districts are unable to fulfill the requirements of a full school year of one hundred eighty days due to an unforeseen emergency caused by fire, flood, explosion, storm, earthquake, epidemic, riot, insurrection, work stoppage or slowdown or strike, community disaster, or act of God: PROVIDED FURTHER, That if the reason for not fulfilling the one hundred eighty day requirement is due to work stoppage or slowdown or strike of employees the apportionment moneys for the affected district will be reduced by that amount equal to the combined salaries of the striking employees as calculated on a pro rata basis for each day of the work stoppage or slowdown or strike.*"

POINT OF ORDER

Senator Stortini: "Mr. President, I rise to oppose the amendment. This is similar to an amendment we had a month and a half ago. I remind you again that this bill only speaks to annexation and dissolving of a school district. It does not deal with apportionment, and as I did before, I am sure we are going beyond the scope and object of the bill itself. I am raising the scope and object of the bill, Mr. President."

MOTION

On motion of Senator Mardesich, Engrossed House Bill No. 131, as amended, together with the amendment by Senators Mardesich, Gould and Lewis (Harry) and the Point of Order raised by Senator Stortini, was made a special order of business at 1:00 p.m. today.

MOTIONS

On motion of Senator Mardesich, Substitute Senate Bill No. 2376 was ordered held on the second reading calendar for today.

At 11:50 a.m., on motion of Senator Mardesich, the Senate recessed until 12:45 p.m.

AFTERNOON SESSION

President Pro Tempore Henry called the Senate to order at 12:45 p.m.

MOTION

At 12:45 p.m., on motion of Senator Mardesich, the Senate recessed until 1:45 p.m.

SECOND AFTERNOON SESSION

President Pro Tempore Henry called the Senate to order at 1:45 p.m.

SECOND READING

ENGROSSED HOUSE BILL NO. 131, by Representatives Bauer, Hendricks, Fortson, Laughlin and McKibbin:

Requiring only that a school district make reasonable effort to maintain minimum term of school required by law in lieu of dissolution of such district.

The Senate resumed consideration of Engrossed House Bill No. 131, as amended earlier today. A Point of Order was raised by Senator Stortini on the following amendment by Senators Mardesich, Gould and Lewis (Harry):

On page 1, line 24 add a section to read as follows:

"Section 2. Section 28A.41.170, chapter 223, Laws of 1969 ex. sess. as last amended by section 1, chapter 78, Laws of 1973 1st ex. sess. and RCW 28A.41.170 are each amended to read as follows:

The superintendent of public instruction shall have the power and duty to make such rules and regulations as are necessary for the proper administration of this chapter not inconsistent with the provisions thereof, and in addition to require such reports as may be necessary to carry out his duties under this chapter: **PROVIDED**, That the superintendent of public instruction shall have the authority to make rules and regulations allowing school districts to receive state apportionment moneys as provided in RCW 28A.41.130 when said districts are unable to fulfill the requirements of a full school year of one hundred eighty days due to an unforeseen emergency caused by fire, flood, explosion, storm, earthquake, epidemic, riot, insurrection, *work stoppage or slowdown or strike*, community disaster, or act of God: **PROVIDED FURTHER**, *That if the reason for not fulfilling the one hundred eighty day requirement is due to work stoppage or slowdown or strike of employees the apportionment moneys for the affected district will be reduced by that amount equal to the combined salaries of the striking employees as calculated on a pro rata basis for each day of the work stoppage or slowdown or strike.*"

RULING BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "In ruling on the point of order as raised by Senator Stortini, the President finds Engrossed House Bill No. 131, together with amendments already adopted, is a measure pertaining to the grounds for dissolution of a school district and in particular defining what is a reasonable effort to comply with the law to prevent dissolution. The amendment proposed by Senators Mardesich, Gould and Lewis, however, pertains to laws which affect apportionment monies which a school district is entitled to receive. The amendment therefore does change the scope and object of the bill and the point of order is well taken."

The amendment by Senators Mardesich, Gould and Lewis (Harry) was ruled out of order.

There being no objection, the amendment by Senator Guess to page 1, line 21 on the Secretary's desk, was withdrawn.

On motion of Senator Cunningham, the following amendment by Senators Cunningham and Mardesich was adopted:

On page 1, following line 24 of the engrossed bill, being line 19 of the printed bill, insert:

"**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 motion of Senator Cunningham, the following amendment by Senators Cunningham and Mardesich to the title was adopted:

On line 4 of the title of the engrossed and printed bills, after "28A.57.200" insert "; and declaring an emergency".

On motion of Senator Stortini, the rules were suspended, Engrossed House Bill No. 131, 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 Pullen: "Would Senator Harry Lewis yield to a question? Senator Lewis, you successfully sponsored an amendment to this bill which made use of the word 'strike'. If this bill becomes law it will at least to my knowledge, be the first time that the

word 'strike' appears in the Revised Code of Washington in connection with strikes by school district personnel. Will the passage of this bill in any way legalize strikes by teachers?"

Senator Lewis (Harry): "The answer is no, it is not the intent nor was it the intent of the amendment placed by me in the bill to legalize strikes in any way, Senator Pullen."

POINT OF INQUIRY

Senator Wilson: "Would Senator Stortini yield? Senator, this morning there was a confusing little time around the halls while amendments were being accepted and rejected for this bill. I believe that where we ended up, starting on line 16, is by saying 'Provided that for the purposes of this section in addition to any other finding, reasonable effort shall be deemed to mean the making up of whatever days are short of a legal requirement' and so on. Is that correct?"

Senator Stortini: "Yes. We accepted the making up of whatever days. We rejected 'insofar as possible, that language.'"

Senator Wilson: "Okay. Now by virtue of that rejection, it seems to me unless I am misreading this that what we say now is 'reasonable effort shall be deemed to mean the making up of whatever days the district is short.' In other words, if the district does not make up whatever days it is short, it has not made a reasonable effort. If that is true, have we not circumvented the real intent of this bill, which was to be more lenient with respect to districts who missed school days through no fault of their own?"

Senator Stortini: "I think, Senator Wilson, that really was the purpose of inserting the other amendment, 'insofar as possible'."

Senator Wilson: "That was my impression, and when we took that out it seems to me we also took the flexibility out of the language in the underlined language starting on line 16."

Senator Stortini: "Yes, I agree with you, Senator."

Senator Wilson: "Would you agree then that the bill in its present form really accomplishes exactly the opposite of what you intended to accomplish?"

Senator Stortini: "No. I do not think so, but I think that the language that I did want with the second amendment made better clarification than that which we have at the present time."

Senator Wilson: "Would you feel that the present language that I just recited says in effect that a district has got to make up all of the days that it lost, regardless and without qualification?"

Senator Stortini: "Yes, as it is right now they have to make it up, but with 'insofar as possible' there was some leeway in case they could not because of whatever the conditions might be."

Senator Wilson: "But 'insofar as possible' did not get into the bill."

Senator Stortini: "That is right."

Senator Wilson: "Do you still want the bill passed?"

Senator Stortini: "Yes, I believe that the House can correct that, probably through a conference committee as I believe has already been suggested on the other side."

Senator Wilson: "Would you say if the bill becomes law exactly the way it is written that it would not achieve the purpose you were seeking to achieve?"

Senator Stortini: "I would say that the language would be muddled a little bit, yes." Debate ensued.

MOTIONS

On motion of Senator Grant, the rules were suspended, Engrossed House Bill No. 131, as amended by the Senate, was returned to second reading.

On motion of Senator Grant, the Senate moved to reconsider the vote by which the amendment by Senator Stortini to page 1, line 18 was adopted.

The motion carried.

President Pro Tempore Henry declared the question before the Senate to be a vote, on reconsideration, of adoption of the amendment to page 1, line 18 by Senator Stortini.

The motion failed and the amendment was not adopted.

On motion of Senator Stortini the rules were suspended, Engrossed House Bill No. 131, 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. 131, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; nays, 4.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Henry, Herr, Jolly, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Wilson, Woody—45.

Voting nay: Senators Guess, Jones, Odegaard, Washington—4.

ENGROSSED HOUSE BILL NO. 131, 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 Mardesich, the Senate resumed consideration of Engrossed House Bill No. 92.

SECOND READING

ENGROSSED HOUSE BILL NO. 92, by Representatives Wojahn, Jueling, Curtis, Ceccarelli, Erickson and Gilleland (by request of Committee on Commerce of the Forty-third Legislature):

Imposing liability for certain taking of merchandise.

The Senate resumed consideration of Engrossed House Bill No. 92 as amended on Friday, April 25, 1975. An amendment by Senator Bottiger had been moved for adoption at that time.

MOTION

On motion of Senator Woody, Engrossed House Bill No. 92, as amended by the Senate, was referred to the Judiciary Committee with instructions that the committee report back on Wednesday, May 7, 1975.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of Substitute Senate Bill No. 2376.

SECOND READING

SUBSTITUTE SENATE BILL NO. 2376, by Committee on State Government (originally sponsored by Senators Guess and Cunningham):

Prescribing rights of private property owners.

The Senate resumed consideration of Substitute Senate Bill No. 2376 on second reading. On April 23, 1975, Substitute Senate Bill No. 2376 was substituted for Senate Bill No. 2376 by Senator Rasmussen, placed on second reading and read the second time in full.

Senator Bottiger moved adoption of the following amendment:

On page 2, line 8, after "owner" insert "": PROVIDED, That this act shall not be construed to alter or amend the doctrine and statutes relating to "open range" except as such statutes may be modified by chapter 16.24 RCW"

POINT OF INQUIRY

Senator Francis: "Will Senator Guess yield to a question? Senator Guess, if you have no objection to Senator Bottiger's amendment, then what does section 2 of this bill mean? What would its application be if Senator Bottiger's amendment is adopted?"

Senator Guess: "Senator Francis, this amendment does not take away the provisions of RCW 16.24 on the open range, but what it will say is that notwithstanding any other provisions of the law, the common law doctrine that the public has the right to customary and habitual use of private property is not and shall not be recognized as law in this state or in this political subdivision. All right. As Senator Bottiger explained, in the open range the farmer or rancher had the right to turn his cattle out and this will not prohibit that."

Senator Francis: "Senator Guess, in other words you are saying that we are on Senator Bottiger's first amendment."

Senator Guess: "Right."

Senator Francis: "I think maybe I am looking at his second amendment. The first amendment I do not think directly applied to section 2 and I will wait and put my question to you again after we finish considering this one."

The motion by Senator Bottiger carried and the amendment was adopted.

Senator Bottiger moved adoption of the following amendment:

On page 2, line 13, after "trust" insert " PROVIDED, That the provisions of this section shall be inapplicable to the acquisition of prescriptive rights and easements, the right of access necessitating ways of necessity when no access otherwise exists, the rights established by adverse possession pursuant to court precedents and in accordance with the applicable statutes of the state of Washington, the right of the public to establish by law, resolution or ordinance of the legislature and of subordinate political subdivisions of the state, zoning and similar regulations, the right of the public to declare in accordance with the established court precedents and the statutes of the state, nuisances relative to the use of property under particular circumstances and in particular locations"

Debate ensued.

The motion by Senator Bottiger carried and the amendment was adopted.

POINT OF INQUIRY

Senator Cunningham: "Would Senator Guess yield to a question? Senator Guess, does that second amendment by Senator Bottiger, for all practical purposes emasculate this bill?"

Senator Guess: "No, Senator Cunningham. I talked with the drafter of it; I read the amendment to him twice; he said that very definitely that he was not trying to change existing statutory language; that the amendment seemed to him to restate it and in no way did any damage to the bill."

POINT OF INQUIRY

Senator Francis: "Will Senator Guess yield? Then, Senator Guess, what is it you are trying to get at in section 2?"

Senator Guess: "The main thing, I think you will find, is on line 2, 'wherever located in the state except on ocean beaches.' Now as you know, the Attorney General did issue an opinion, AGO 1970 No. 27, which held that without regard to any other property interests or rights which a state may have, members of the public have the right to use and enjoy the wet and dry sand areas of the ocean beaches of the state by virtue of a long established customary use of those areas. Now that is one of the things that the chapter does, the section does, it reaffirms that."

Senator Francis: "Obviously you would not have to pass a bill to reaffirm existing law. What is it that section 2 does?"

Senator Guess: "It says that the common law doctrine shall not be the law of the state of Washington, the common law doctrine of public use. In other words, Senator, it is reaffirming the right of the individual to use his own personal property."

Senator Francis: "What I am trying to ask you is, is there any situation in which

under existing law the public could use someone's private property other than ocean beaches or the items stated in Senator Bottiger's amendment?"

Senator Guess: "Senator Francis, I think that in looking at what the first committee did in Spokane County on the Shorelines Act that they did try to take the right of the individual to use his own personal property, and this bill would stop that."

Senator Francis: "All right, then, it is your intention that section 2 should repeal those parts of the Shorelines Act not related to ocean beaches?"

Senator Guess: "No, sir, it would not repeal it but it would take away from the right of committees to overreach what the law stated. This is the thrust there."

Senator Francis: "I am afraid I still do not understand. What I am trying to figure out is whether we have done a satisfactory and adequate amending job and while we are on second reading, whether we have tuned this thing up right and either this does something, in which case we need to amend it so it does not, or we have already covered it and it does not do anything. That is what I am trying to find out. Now are you saying that you think that those portions of the Shorelines Act that are offensive to you will now be repealed by this bill and Senator Bottiger's amendment does not prevent you from what you are trying to do?"

Senator Guess: "Senator Francis, it is very difficult to stand here on the floor and tell you that some committee now will not, in interpreting the existing statutory Shorelines Act, do something that you do not want them to do, but I think that this does fix it so that they would be restrained from doing exactly what they did in the area of the shorelines in Spokane County."

Senator Francis: "Other than that which you have just named, is it your intention to affect any other existing laws?"

Senator Guess: "No, sir."

Senator Francis: "Thank you."

POINT OF INQUIRY

Senator Marsh: "Would Senator Guess yield to a question? Senator Guess, on page 2 of the bill, lines 12 and 13 you refer to the doctrine of public trust. Could you explain that?"

Senator Guess: "Senator, I am going to have to refer to a document where in the state of California there was a bill before it which declared it to be a public policy favoring the right of the use of private lands for recreational purposes without impairing the rights of landowners. Now what they were trying to do there is that because you owned the land, it did not mean that somebody could not come along and have recreation on your land. I will give you an illustration of a bill that is before the legislature now and that was the one that proposed in the issuance of water rights in the Columbia Basin that a person would have to say that that land on which the water was being used would in the future be dedicated to, not only to the farmer's uses but to the public hunting and the public recreation of anybody that wanted to have recreation on it, so that would have established the right of a public policy favoring the use of private lands.

"Now I do not believe that it is the consensus of this body or anybody's wish to change the laws that have been for many years, and the procedures under which we have been operating, and that is that an individual buys a piece of land—for instance, if you take a piece of land off of the tax rolls, say the county has the land on its rolls, it is not on the tax rolls, so you buy the piece of property and you pay taxes on it. You only bought it because you have the idea that you want to use it, and so for a fair market value you buy the land from the county for whatever sum they set or whatever the auction you can get it at and then you use it and you pay taxes on it. All right. We do not want, and the bill addresses itself to the fact that once a person has the right to use the land, then he is not going to be put upon by the state to let somebody else use it."

Senator Marsh: "Senator Guess, do you understand then that the doctrine of public trust somehow grants the public recreational rights in privately owned land? Is that what you are saying?"

Senator Guess: "That is what I was saying, Senator."

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Would Senator Bluechel yield to a question? Senator Bluechel, you have a factory?"

Senator Bluechel: "Yes."

Senator Rasmussen: "Do you believe that the public has the right to plow through that, if they want to ride their motorcycle or if they wanted to chase a deer through your plant, you would agree with that?"

Senator Bluechel: "I do not think we are talking about anything like that in this bill. What we are talking about here is, I think the lawyers call it a doctrine of omission, when we do not pick up certain items, the remainder of the items become more important at law, and I am not an attorney, but we are not talking about that at all. What we are talking about in this bill are things that the drafters have overlooked and the end results. I can compare it to a situation like the Chelan case before we had a statutory solution for how we get around the Chelan case, Shorelines Management or otherwise, and what happens to the bonding capacity or the ability to get bonds or the ability for the builders to get loans to proceed or building permits.

"Now if we pass this, under section 3, this is the trap we fall into. We have stymied and everything is held up until litigation takes place as to where we stand. The constitutional questions have been decided by various courts, the Supreme Court included, and we repeal in effect sections of statutory law, leaving a total vacuum."

Senator Rasmussen: "Senator Bluechel, I am glad that you will not let my Boy Scout troop go through your factory. They might be harmed, even though they feel they have the right of access, but let me point out that at the present time they cannot take property without just compensation, and that is all this is, a restatement of the principles of the Constitution, unless provided otherwise, and that would mean that the people wish to amend the Constitution."

POINT OF INQUIRY

Senator Bottiger: "Would Senator Rasmussen yield to a question? Senator Rasmussen, as chairman of the committee that held that, is it your understanding the intent of this statute only restates existing law?"

Senator Rasmussen: "Senator Bottiger, it is my contention and it is the ruling of the courts that you do not repeal law by implication, so we are not repealing any laws by implication in this bill unless we specifically repeal them. It is also my contention that it is a restatement as you will read in section 6. 'There shall be no action by the state or political subdivision or any other person which in any way will obstruct or interfere with the right of an individual or person to peacefully own, enjoy, develop or use his property except as provided by the Constitution or laws of this state.' So we are not repealing anything that is in the present laws. We are not repealing any sections of the Constitution because this is not a constitutional amendment."

Senator Bottiger: "Senator Rasmussen, obviously I asked you that question so that we would have it in the record. I have before me the Ninth Amendment to the Constitution of the State of Washington pertaining to the eminent domain. My question is, was it the intent of the committee in reporting this bill out that we in any way change the existing statutory law pertaining to the question of private property rights and the protection of the private property owner?"

Senator Rasmussen: "No. In fact, Senator Bottiger, there was absolutely no opposition to this bill in the committee. That is very unusual."

POINT OF INQUIRY

Senator Washington: "Would Senator Guess yield? I might state when I read section 2 I did not understand that it was going to have a substantial effect on the Shorelines Act, but in your statement you indicated that it would have a substantial effect on the Shorelines Act, would change its provisions.

"Could you tell me what provisions of the Shorelines Act you are aiming at and which specific provisions of the Shorelines Act are going to be amended by this?"

Senator Guess: "Senator Washington, the Attorney General's opinion which had to

do with regard to the wet and dry sands area of the ocean beaches has been interpreted by many of the environmentalists to apply to all of the state shorelines, and it only says the wet and dry areas. In the instance of the first committee draft of the Shorelines Act in Spokane County they did take shorelines areas for public purposes from the individual and they provided in that draft that the public had the right of access of all shorelines areas. It also provided that the construction of paths, bikeways, and equestrian pathways would be a public purpose. The committee's draft was not accepted and it took us a great deal of work to get that out of the draft, so it indicated to me there that they were interpreting something in the Shorelines Act to give them the right to do that."

Senator Washington: "It seems to me, if we are going to amend sections of a particular act that we should be directing our attention to those specific sections of the act rather than something general as this apparently does, much to my surprise. When Senator Guess spoke I was not particularly concerned about section 2 but he has read a very broad meaning into it and it seems to me if we should give some consideration to amendments which would specify specifically what we have before us, and I have spoken before having a chance to make a motion but it would seem to me that either this bill should be left on the calendar or it should be sent to committee so that we can determine specifically which sections particularly of the Shorelines Act we are going to amend by this and I will not necessarily insist that it go to the Ecology Committee."

Senator Guess: "Senator Washington, I have not been able to amend any bill before your committee on the Shorelines Act, and this bill does not make any amendment to the Shorelines Act, either by reference or by a straight out-and-out amendment of it. What it does is that it restates the policy of the right of private ownership and it excepts the area of ocean beaches and it does not in any way repeal or change the WAC that the Department of Ecology is operating under, and once the committee amendment in Spokane County was thoroughly considered by the people and pointed out to them, they did not have any other demands that the language stay as it was.

"What this bill does, though, it makes sure that people will not misspeak themselves or not try to take private property for a public purpose. That is what the bill says. This is a restatement and I cannot say it any more clearly than that. If you believe in the right of the individual to own property, then you will not look with suspicion upon a bill that restates the right."

MOTION

Senator Guess moved that the rules be suspended, Substitute Senate Bill No. 2376 be advanced to third reading, the second reading considered the third, and the bill be placed on third reading.

Debate ensued.

POINT OF ORDER

Senator Guess: "Mr. President, in Rule 29 it says that a motion for suspension of the rules shall not be debatable except that 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."

Debate ensued.

REPLY BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "Which side do you want to talk on? I was under the impression he was explaining his motion.

Senator Guess: "I made the motion to move and that the rules be suspended, and he did not make that motion."

RULING BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "You are correct. I had not put your motion yet either. The motion is that the rules be suspended and second reading be considered the third and that Substitute Senate Bill No. 2376, as amended, be placed on third reading and final passage."

Further debate ensued.

The motion by Senator Guess failed on a rising vote.

PARLIAMENTARY INQUIRY

Senator Lewis (Harry): "Did you move the bill back to Rules?"

REPLY BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "I held it on the second reading calendar for tomorrow."

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of Senate Bill No. 2713.

SECOND READING

SENATE BILL NO. 2713, by Senator Walgren:

Changing requirements for county road construction day labor contracts.

MOTIONS

On motion of Senator Fleming, Substitute Senate Bill No. 2713 was substituted for Senate Bill No. 2713 and the substitute bill was placed on second reading and read the second time in full.

Senator Cunningham moved adoption of the following amendment by Senators Cunningham, Fleming and Lewis (Harry):

On page 1, section 1, line 9 after "project" and before the period insert: "PROVIDED, That as a condition precedent to the performance of any work by day labor the board shall file with the state human rights commission an affirmative action program covering the day labor work force and authority to perform work by day labor shall continue until said affirmative action plan or its implementation is disapproved by the human rights commission"

POINT OF ORDER

Senator Guess: "Mr. President, the bill is for the purpose of limiting the amount of money that can be spent by day labor by a county. It hasn't anything to do with the affirmative action; there is nothing that mentions it at all in the bill and therefore I would raise the point of scope and object on the amendment."

POINT OF INQUIRY

Senator Donohue: "Would Senator Fleming yield? Senator, don't we have now an affirmative action program throughout the state in most areas of . . .?"

Senator Fleming: "Senator Donohue, we have an affirmative action program as it relates to federal dollars, federal programs. We do not have an affirmative action, per se, covering all counties all cities. That is one of the reasons why we have been hanging these amendments on these measures, to try and give the intent of the legislature to those bodies."

Senator Donohue: "However, counties and cities do receive federal money. Consequently they probably do have an affirmative action program. Isn't that true?"

Senator Fleming: "To my knowledge, if they are receiving federal dollars in specific programs, those programs that are used only with federal dollars they should be required to have an affirmative action program."

Senator Donohue: "Senator Fleming, the reason I am concerned about this, I know that in Columbia County and Garfield County and some of the small counties in eastern Washington, they do try to comply with the affirmative action program. However, they have no minorities, consequently, what this amendment would do of Senator Cunningham's in my judgment, it would just add more paper work to the local counties in securing permission from the Human Rights Commission to proceed with such and such contract. It seems to me like that it is sort of like other bills we have passed here which become state law and in essence it does not really cover, there is no necessity I should say, to cover some of the smaller counties, so to me the amendment would be unnecessary and I . . ."

Senator Fleming: "I think I know the intent that Senator Cunningham had in putting forth this amendment. I would suggest to you, Senator Donohue, that one of the purposes I think, that he put forth this amendment was because many of your smaller counties, they do have Indians and Chicanos and others in those areas that would be available for work and many of those counties on these projects as of to date have not had minorities participating in these programs and you find a county such as Snohomish County and others that do almost all of their work—you see, the problem is, you can usually do this here; one, counties and city governments and so forth, they usually have no problem when they let out contracts in making those contracts comply to the affirmative action program, but when you have to police yourself, then it is a little more difficult. I think what Senator Cunningham is doing here is trying to make sure those counties understand the intent, and that if they have not in the past, that at least they will take note that the state legislature said this is the public policy and this is something that you should do."

Senator Donohue: "I think that in my judgment the amendment is probably unnecessary because I think that most counties and local jurisdictions of government have affirmative action programs. In reading the amendment, I just thought it was a lot of added language and unnecessary and that was the reason I objected to the amendment."

Senator Fleming: "Just briefly, Senator Donohue, if they already have the programs, I am sure by restating the intent of the legislature and the policy of the state it would not create any more paper work for them if that is the case."

Senator Cunningham: "Just to respond briefly to Senator Donohue's question to Senator Fleming, hopefully this amendment and the implementation of the filing of an affirmative action program is simply a one-shot deal."

"The state is funding now the Human Rights Commission who is charged with the responsibility of seeing that there is no discrimination for various reasons. This simply says that these local crews or municipalities or districts will file once a statement with the Human Rights Commission and simply state that this is their basic affirmative action plan, which is usually nothing more than a listing of the percentages of population as they relate to the various minorities. This in turn would give the Human Rights Commission the guideline to go on, set by the local entity themselves to determine whether or not they are complying with the constitutional intent of equality for everyone."

RULING BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "The President, in ruling upon the point of order finds that this bill merely increases the amount of a contract or amount of day labor that can be done from twenty-five to fifty thousand dollars. The President also feels that wherever federal funds are involved that the affirmative action is already established by federal law. This is a very limited bill and I find that it does enlarge the scope and object of the bill."

The amendment by Senators Cunningham, Fleming and Lewis (Harry) was ruled out of order.

Senator Bottiger moved adoption of the following amendment by Senators Bottiger and Murray:

On page 1, section 1, lines 7-20 following (1) on line 7 strike all material through the period on line 20 and insert:

"The board may cause any county road to be constructed or improved by *contract* or by day labor as in this chapter provided [in an amount not to exceed twenty-five thousand dollars on any one project. This section shall be construed to mean a complete project and shall not be construed to allow or permit the construction of any project by day labor by division thereof into units of work or classes of work.] *The total amount of Day Labor Construction Programs each county may perform annually shall total no more than the amounts determined in the following manner: Those counties with a total annual county construction budget of \$1,000,000 or more may accumulate a Day Labor Program equal to not more than \$250,000 or 15 percent of their total annual county construction budget, whichever is greater. Those counties with a total annual county construction budget over \$500,000 and less than \$1,000,000 may accumulate a Day*

Labor Program equal to not more than \$200,000 or 25 percent of their total annual county construction budget, whichever is greater. Those counties with a total annual county construction budget less than \$500,000 may accumulate a Day Labor Program equal to not more than \$100,000 or 40 percent of their total annual county construction budget, whichever is greater. [All construction work to be performed at a cost in excess of twenty-five thousand dollars shall be performed by contract as in this chapter provided.]

(2) "County Construction Budget" for the purposes of this chapter shall mean the aggregate total of those costs as defined by the Budgeting, Accounting, Reporting, System for Counties and Cities and other Local Governments (BARS) in section 541.00 Road and Street Construction and in effect April 1, 1975: PROVIDED, That such costs shall not include those costs assigned to Preliminary Engineering section 541.11, Right of Way section 541.20 through 541.25, Ancillary Operations 541.80 and Ferries 541.81."

Renumber remaining subsection.

POINT OF ORDER

Senator Talley: "I would raise the question of scope and object. This bill very definitely says that we are trying to arrive at a medium here to raise it from twenty-five thousand to fifty thousand. We went through these percentage charts in committee and we could not figure them out. I do not think anybody here today can figure them out."

Debate ensued.

RULING BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "Senator Murray, it does not deal with the allocation of money. It deals with the amount that they can spend. It is a very tightly restricted bill and I find that this particular amendment does increase the scope and object of the bill because it goes to a percentage system and it certainly in some cases increases the amount. Now if you want to amend the bill from twenty-five to fifty thousand or twenty-five to thirty-five thousand, or even reduce it, that is your prerogative. As far as I am concerned, this type of an amendment does increase the scope and object of this particular type of restricted bill."

The amendment by Senators Bottiger and Murray was ruled out of order.

There being no objection, the amendment by Senator Fleming to page 2, beginning on line 14 on the Secretary's desk was withdrawn.

On motion of Senator Fleming, the rules were suspended, Substitute Senate Bill No. 2713 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 Murray: "Will Senator Fleming yield to a question? Senator Fleming, on page 2, section 3, line 27, it says that one of the things that will be done in the course of this study is an assessment of the enforcement efforts being made by agencies with appropriate jurisdiction. I assume that means a review of the actual enforcement of existing law requiring local governments to post and have an estimate of a job before it will come up and to print, after the job is completed, the actual cost of that. Is it the intent of your committee to be darn sure that they cover that particular phase of the provisions of this law during the next interim period?"

Senator Fleming: "The committee had indicated by this that they would investigate all aspects of enforcement. If that was one of the areas that the committee felt needed investigation and study and to try to come up with some resolutions, I am sure the committee will look at that, but they felt as though they would look at all aspects of the enforcement to make sure the counties are complying."

POINT OF INQUIRY

Senator Rasmussen: "Mr. President, I would like to ask you a question. New section 4 provides for a continuing study by the House and Senate Local Government

Committees. The question in my mind, which I am asking the Chair is, by the passage of this in a law, will it be published in every lawbook of the country or will the Code Reviser eliminate that section? If so, if they do not do that, I would hope the House would strike that section and a resolution would be offered which merely provides that the study shall be made, rather than have it in every lawbook in the country. It costs a lot of money."

REPLY BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "I do not know how the Code Reviser works, but I presume if it gets in in this form it will be printed in this form unless it is amended in the House and that particular paragraph placed into a joint resolution."

Senator Rasmussen: "Senator Walgren, would you. . . ."

Senator Walgren: "I can only refer back to other situations where we have called for studies in pieces of legislation and that is simply not part of the substantive law that is of a continuing nature and consequently is generally not codified."

President Pro Tempore Henry: "You say it is not codified and will not be in the lawbooks?"

Senator Walgren: "That is the general result, yes."

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2713, and the bill passed the Senate by the following vote: Yeas, 27; nays, 22.

Voting yea: Senators Bailey, Beck, Bottiger, Day, Donohue, Fleming, Goltz, Grant, Henry, Jolly, Keefe, Knoblauch, Lewis (Harry), Marsh, McDermott, Odegaard, Peterson, Pullen, Rasmussen, Sandison, Stortini, Talley, Van Hollebeke, Walgren, Washington, Wilson, Woody—27.

Voting nay: Senators Benitz, Bluechel, Buffington, Clarke, Cunningham, Francis, Gould, Guess, Herr, Jones, Lewis (R. H. "Bob"), Mardesich, Matson, Morrison, Murray, Newschwander, North, Ridder, Scott, Sellar, von Reichbauer, Wanamaker—22.

SUBSTITUTE SENATE BILL NO. 2713, having received the 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 3:25 p.m., on motion of Senator Mardesich, the Senate recessed until 5:05 p.m.

THIRD AFTERNOON SESSION

President Pro Tempore Henry called the Senate to order at 5:05 p.m.

SECOND READING

SENATE JOINT RESOLUTION NO. 114, by Senators North, Beck and Gould:

Authorizing court supervised redistricting if the legislature fails to accomplish such tasks.

MOTIONS

On motion of Senator Beck, Substitute Senate Joint Resolution No. 114 was substituted for Senate Joint Resolution No. 114 and the substitute resolution was placed on second reading and read the second time in full.

Senator North moved adoption of the following amendment by Senators North, Grant, Marsh and Scott:

On page 1, beginning with "Article" on line 9 strike the remainder of the resolution and insert:

"Article II, section 3. Reapportionment and Redistricting—(1) Reapportionment and redistricting shall mean a revision of congressional, senatorial, and representative district boundaries whereby all districts, whether congressional, senatorial, or represent-

ative, shall be as nearly of equal population as is practicable, according to the latest federal decennial census, exclusive of nonresident or transient members of the armed forces of the United States and their dependents living on any military reservation or base: PROVIDED, That if a single senatorial district shall be allotted one more representative than any other senatorial district, that senatorial district shall contain a proportionately greater population than any other senatorial district: PROVIDED FURTHER, That if any such senatorial district shall be divided into separate representative districts, those representative districts shall contain a proportionately lesser population than any other representative district.

(2) Legislative reapportionment and redistricting may be done by legislative action or by an initiative submitted to the people or by order of an independent citizens commission as provided for in this section. Reapportionment and redistricting action by the legislature or by order of the independent citizens commission shall not be subject to referendum.

(3) (a) The legislature shall accomplish reapportionment and redistricting in 1982 and each ten years thereafter.

(b) In the event the legislature fails to accomplish reapportionment and redistricting within thirty days following convening of the legislative session in the year following the release of final population figures by the United States census bureau for a decennial census or in the event that legislative action purporting to accomplish reapportionment and redistricting shall be found invalid by final action of any court of competent jurisdiction, an independent citizens commission, to consist of one member selected by lot by the supreme court from among those registered voters of each congressional district, shall take jurisdiction of supervising reapportionment and redistricting. No state official or full time state employee shall be a member of such commission. Members appointed to the commission shall be subject to review and replacement by the state supreme court in a manner prescribed by law. The commission shall appoint a competent geographer recognized in his field. Within thirty days after his appointment, the geographer shall, in accordance with the requirements set forth in subsections (1) and (2) of this section, complete and file with the commission the reapportionment and redistricting of the appropriate congressional, senatorial, or representative districts referred to the geographer.

(c) The commission upon consultation with the supreme court shall examine the reapportionment and redistricting plans submitted by the geographer to determine whether he has met the requirements set forth in subsections (1) and (2) of this section.

(d) If the commission upon consultation with the supreme court finds that the geographer has met the requirements, the commission shall file the plans with the state superintendent of elections, which plans shall then have the force and effect of law.

(e) If the commission upon consultation with the supreme court finds that the geographer has not complied with the requirements set forth in subsections (1) and (2) of this section, the commission shall either resubmit the geographer's reapportionment and redistricting plan to him for revision, specifying the requirements remaining to be complied with, or appoint a new geographer.

(f) The commission shall not itself determine or select the particular district boundaries to be employed in the revision authorized by this section.

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 this state."

Senator Grant moved adoption of the following amendment to the amendment by Senators North, Grant, Marsh and Scott:

On the last line of subsection (2) of the amendment, after "referendum" insert "or to veto by the governor".

POINT OF ORDER

Senator Lewis (Harry): "Mr. President, Senator North just arrived. She has been over in her office working and this has been a bill that she has worked on during the en-

tire session. I would ask indulgence of the session for just one moment until she can get briefed. She has an amendment."

REPLY BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "This is the amendment to the amendment."

Senator Lewis (Harry): "Mr. President, I will ask that the rules be suspended, that Senator North's amendment be considered at this time. It fits ahead of the other amendment."

RULING BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "Strictly on a point of order, Senator Lewis, they have the right to improve before they amend so in that case Senator North's amendment, although we just received it, I do not know whether the people have copies of it or not."

Senator Lewis (Harry): "No, they do not. Our problem, Mr. President, is that the Senate started before she could get back over here in short order. I believe her amendment, under normal situations if she had been here, would have gone first, but at any rate I believe that if you could look at the amendment, I think it should fit ahead of the other amendment in order to perfect."

President Pro Tempore Henry: "I have already ruled on that, Senator Lewis. Her amendment will be considered."

REMARKS BY SENATOR GRANT

Senator Grant: "Mr. President, I have had an opportunity to review Senator North's amendment. It appears to me her amendment strikes this subsection whereas my amendment simply adds language to this subsection which perfects the subsection. Therefore, I would think that the motion to perfect the subsection should come before the motion to strike."

Debate ensued.

REMARKS BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "Senator North, your amendment is to the substitute bill and not to the amendment. Therefore, we will have to take your amendment to the substitute bill, which under the rules perfects the substitute bill, prior to the offering of the main amendment, of which you are also a sponsor."

PARLIAMENTARY INQUIRY

Senator North: "Mr. President, am I correct that I should move adoption of this amendment which is the long two page amendment to Substitute Senate Joint Resolution 114? Am I correct that this motion has not been made and I will now make it?"

REPLY BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "Then you are going to have to change your amendment on the green sheet as an amendment to the amendment unless you want it to go to the substitute bill."

Senator North: "No, that is correct, Mr. President. This is what I would like to do, to put this before the body and then go to my small amendment on the green sheet."

President Pro Tempore Henry: "All right. I think Senator Grant is correct. The amendment that we will now consider is the amendment by Senators North, Grant, Marsh and Scott, and there is an amendment to the amendment. Now there are two amendments to the amendment to the same section. One strikes the entire section and that, of course, will have to be taken second to Senator Grant's amendment which is an attempt to improve. Yours simply strikes and if you strike something you cannot improve it, so the question now is the amendment to the amendment as proposed by Senator Grant."

PARLIAMENTARY INQUIRY

Senator Clarke: "In the event that Senator Grant's perfecting amendment should be adopted, Senator North's amendment then striking the entire section and substituting it would still be considered following that amendment?"

REPLY BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "I think that is the unique assumption."

Senator Clarke: "Thank you."

Debate ensued.

PARLIAMENTARY INQUIRY

Senator von Reichbauer: "Mr. President and members of the Senate, while I enjoyed the speeches of the two previous speakers, I would remind everyone we are under a three minute rule, and I would also inquire of the President whether that three minute rule applies to amendments or to the bill in its entirety?"

REPLY BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "All speeches."

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Would Senator Clarke yield to a question? Senator Clarke, how do the county commissioners handle one-man one-vote now?"

Senator Clarke: "I do not know."

Senator Rasmussen: "I think they realign their districts by resolution. Is this correct?"

Senator Clarke: "I am not aware what the counties procedure is."

Senator Rasmussen: "Everybody is nodding their head here and I think that is correct, and there is nobody has any veto over that other than the people at the next election."

Senator Clarke: "I would simply respond to that that this, I think, is a rather different situation than a state redistricting. To go back to what was alluded to originally, redistricting is a difficult situation and we did at one time, at the start of the redistricting, have a situation where we had both parties and the Governor in one party, and even then they could not agree on a proper redistricting."

Senator Rasmussen: "Thank you, Senator Clarke."

Further debate ensued.

Senator Grant demanded a roll call and the demand was sustained by Senators Washington, Rasmussen, Beck, Marsh, Ridder, Herr, Stortini, Donohue and Goltz.

The President Pro Tempore declared the question before the Senate to be the roll call on the amendment by Senator Grant to the amendment by Senators North, Grant, Marsh and Scott.

POINT OF INQUIRY

Senator Bailey: "Will Senator Grant yield? Senator Grant, I do not have a copy of the amendment in front of me, but I think I know what you are trying to do and I agree with you, but aren't we going to later strike this whole thing and accept the new proposal for make-up of the committee, or are you trying to amend the original bill which we are not going to vote for anyway?"

Senator Grant: "No, my amendment, Senator Bailey, is to the amendment by Senator North which did strike the whole bill."

Senator Bailey: "That is before us then?"

Senator Grant: "My amendment is before us, which eliminates the Governor's veto authority."

Senator Bailey: "That is what I wanted to know."

ROLL CALL

The Secretary called the roll and the amendment by Senator Grant to the amendment by Senators North, Grant, Marsh and Scott was adopted by the following vote: Yeas, 30; nays 18; absent or not voting, 1.

Voting yea: Senators Bailey, Beck, Bottiger, Buffington, Day, Donohue, Fleming, Francis, Goltz, Grant, Henry, Herr, Jolly, Knoblauch, Mardesich, Marsh, McDermott,

Odegaard, Peterson, Rasmussen, Ridder, Sandison, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Woody—30.

Voting nay: Senators Benitz, Bluechel, Clarke, Cunningham, Gould, Guess, Jones, Lewis (Harry), Lewis (R. H. "Bob"), Matson, Morrison, Murray, Newschwander, North, Pullen, Scott, Sellar, Wanamaker—18.

Absent or not voting: Senator Keefe-1.

Senator North moved adoption of the following amendment to the amendment by Senators North, Grant, Marsh and Scott:

On page 1, strike entire subsection (2) and insert:

"(2) Legislative reapportionment and redistricting may be accomplished by legislative action and any such action shall not be subject to referendum but shall be subject to veto by the governor. Legislative reapportionment and redistricting may be accomplished by an initiative submitted to the people or by order of an independent citizens commission as provided for in this section and any such action shall not be subject to referendum or to veto by the governor."

POINT OF ORDER

Senator Talley: "Mr. President, with all due respect to Senator North, I believe she has enlarged the scope and object of this bill."

Debate ensued.

RULING BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "Senator Bottiger, without consulting with my attorney here, it is my opinion while it might enlarge the scope, it does not enlarge the object and I think that the Senate has a right to act on this particular amendment and that Senator Talley's point is not well taken."

The motion by Senator North failed and the amendment to the amendment was not adopted.

On motion of Senator Woody, the following amendment to the amendment by Senators North, Grant, Marsh and Scott was adopted:

On page 2, line 2 of the amendment, after "one member" strike all the matter down to "shall take" on line 4 and insert "from each congressional district, selected by the supreme court by lot from among the registered voters of the congressional districts,".

On motion of Senator Grant, the following amendment to the amendment by Senators North, Grant, Marsh and Scott was adopted:

On page 2, line 6 of the amendment, after "redistricting" insert "and shall retain jurisdiction until such plans shall have been adopted pursuant to subsection (d) below"

On motion of Senator Grant, the following amendment to the amendment by Senators North, Grant, Marsh and Scott was adopted:

On page 2, line 10 of the amendment after "commission shall" insert "within thirty days"

Senator Grant moved adoption of the following amendment to the amendment by Senators North, Grant, Marsh and Scott:

On page 2, line 13 of the amendment, after "forth in" strike all material down to and including "(2)" on line 36 and insert "subsection (1)"

There being no objection, the following corrective amendment by Senator Marsdesich to the amendment by Senator Grant was adopted:

On page 2, line 13 of the amendment strike the "s" in "requirements".

The motion by Senator Grant carried and the amendment as corrected, to the amendment, was adopted.

On motion of Senator Grant, the following amendments were considered and adopted simultaneously:

On page 2, line 22 of the amendment, after "determine" insert "within thirty days"

On page 2, line 22 of the amendment, after "forth in" strike all material down to and including "(2)" on the same line and insert "subsection (1)"

On page 2, line 31 of the amendment, after "forth in" strike all material down to and including "(2)" on line 45 and insert "subsection (1)"

The motion by Senator North carried and the amendment, as amended, was adopted.

Senator Beck moved that the rules be suspended and Substitute Senate Joint Resolution No. 114 be advanced to third reading, the second reading considered the third, and the resolution be placed on final passage.

MOTIONS

On motion of Senator Mardesich, Substitute Senate Joint Resolution No. 114, as amended, was ordered to hold its place on the second reading calendar for Wednesday, April 30, 1975.

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

MOTION

Senator Cunningham moved that the Notice of Reconsideration on Engrossed Substitute Senate Bill No. 2692 given by Senator Cunningham on April 24, 1975 be held for Wednesday, April 30, 1975.

MOTION FOR RECONSIDERATION

Senator Fleming moved that the Senate immediately reconsider the vote by which Engrossed Substitute Senate Bill No. 2692 passed the Senate on April 24, 1975.

Debate ensued.

The motion by Senator Fleming failed. The Senate refused to reconsider the vote by which Engrossed Substitute Senate Bill No. 2692 passed the Senate.

MOTION

Senator Rasmussen moved that the Notice of Reconsideration of Engrossed Substitute Senate Bill No. 2736 given by Senator Rasmussen on April 23, 1975 be held for Wednesday, April 30, 1975.

MOTION FOR RECONSIDERATION

Senator Odegaard moved that the Senate immediately reconsider the vote by which Engrossed Substitute Senate Bill No. 2736 passed the Senate on April 23, 1975.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Would Senator Donohue yield? Senator Donohue, I fail to see that four million dollar figure on mine. I think you are working on the same sheet, Department of Revenue figures that I have, aren't you?"

Senator Donohue: "Senator Rasmussen, I was talking about the bill itself. No. I was not talking about your figures, Senator."

Senator Rasmussen: "This only amounts to five hundred and ten thousand."

Senator Donohue: "Plus the one point six million dollar shift in special levies per year, Senator. This is going to be a real problem also."

Senator Rasmussen: "Which they will pick up at the state level collection of taxes, more than that."

Senator Donohue: "But it still shifts to the other property owners at this time, which causes a great burden on those people who are just directly above those low income people you are trying to help, and I think it is important that we try to protect them at this time also."

The motion by Senator Odegaard failed. The Senate refused to reconsider the vote by which Engrossed Substitute Senate Bill No. 2736 passed the Senate.

MOTIONS

On motion of Senator Fleming, Engrossed Substitute Senate Bill No. 2692 and Engrossed Substitute Senate Bill No. 2736 were ordered immediately transmitted to the House.

MOTION

On motion of Senator Walgren, Senate Resolution 1975-38, regarding hospital medical care cost study; and Senate Resolution 1975-39, regarding medical malpractice insurance; were referred to the Committee on Rules.

MOTION

On motion of Senator Mardesich, the Senate returned to the first order of business.

REPORTS OF STANDING COMMITTEES

April 25, 1975.

SENATE BILL NO. 2492, providing for community mental health service areas (reported by Committee on Ways and Means):

MAJORITY recommendation: That Second Substitute Senate Bill No. 2492 be substituted therefor and the second substitute bill do pass.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Wilson, Second Vice Chairman; Bailey, Clarke, Fleming, Jones, Marsh, Murray, Rasmussen, Washington, Woody.

Passed to Committee on Rules for second reading.

April 28, 1975.

SUBSTITUTE HOUSE BILL NO. 67, providing for popular election of mayor in council-manager code cities (reported by Committee on Local Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Fleming, Chairman; Jolly, Lewis, R. H. (Bob), Sellar, Talley, Wilson.

Passed to Committee on Rules for second reading.

April 25, 1975.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 86, establishing sales tax liability for certain government contractors (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Clarke, Fleming, Grant, Jones, Mardesich, Murray, Washington, Woody.

Passed to Committee on Rules for second reading.

April 28, 1975.

HOUSE BILL NO. 133, increasing dollar amount below which county may dispense with competitive bidding (reported by Committee on Local Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Fleming, Chairman; Jolly, Lewis, R. H. (Bob), Sellar, Talley.

Passed to Committee on Rules for second reading.

April 28, 1975.

HOUSE BILL NO. 174, precluding the use of highway centerline as corporate boundaries (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Fleming, Chairman; Jolly, Lewis, R. H. (Bob), Sellar, Talley, Wilson.

Passed to Committee on Rules for second reading.

April 28, 1975.

HOUSE BILL NO. 189, authorizing water district commissioners to establish mileage reimbursement for official travel (reported by Committee on Local Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Fleming, Chairman; Jolly, Lewis, R. H. (Bob), Sellar, Talley, Wilson.

Passed to Committee on Rules for second reading.

MOTION

At 6:18 p.m., on motion of Senator Mardesich, the Senate adjourned until 9:45 a.m., Tuesday, April 29, 1975.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

FORTY-SEVENTH DAY**MORNING SESSION**

Senate Chamber, Olympia, Tuesday, April 29, 1975.

The Senate was called to order at 9:45 a.m. by Senator Washington. The Secretary called the roll and announced to Senator Washington that all members were present with the exception of Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Matson, Morrison, Murray, Newschwander, North, Peterson, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, Walgren and Wanamaker.

MOTION

On motion of Senator Knoblauch, the above members served as a delegation from the Senate to attend the funeral services of former Senator Perry B. Woodall.

The Color Guard, consisting of Pages Debra Siljeg and William Christensen, presented the Colors. Senator Washington offered the following prayer:

"FATHER, WE THANK THEE FOR THIS DAY. WE THANK YOU FOR THE PROBLEMS THAT YOU HAVE SEEN FIT TO PRESENT TO US AS LEGISLATORS AND WE ASK THAT YOU GIVE US THE WISDOM AND THE KNOWLEDGE TO BE ABLE TO SOLVE THEM IN ACCORDANCE WITH YOUR WILL, AND AGAIN WE EXPRESS OUR SORROW AND ASK YOUR BLESSING ON FORMER SENATOR PERRY B. WOODALL WHOSE FUNERAL IS TODAY AND TO HIS FUNERAL HAVE GONE SO MANY OF OUR MEMBERS."

MOTIONS

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

At 9:52 a.m., on motion of Senator Donohue, the Senate adjourned until 9:45 a.m., Wednesday, April 30, 1975.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

FORTY-EIGHTH DAY**MORNING SESSION**

Senate Chamber, Olympia, Wednesday, April 30, 1975.

The Senate was called to order at 9:45 a.m., by President Pro Tempore Henry. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senator Guess. On motion of Senator Lewis (R. H. "Bob"), Senator Guess was excused.

The Color Guard, consisting of Pages Katherine Smith and Bryan Flaherty, presented the Colors. Reverend Paul J. Beeman, pastor of First United Methodist Church of Olympia, offered the following prayer:

"O GOD, WE COME TO YOU WITH HEARTS HEAVY THIS MORNING OVER THE SURRENDER OF SAIGON, AND ALL THE HUMAN AGONY, PAST AND PRESENT, WHICH IT REPRESENTS. ALL THAT SEEMS TO REMAIN TO US THIS MORNING OF OUR VIET NAM INVESTMENT IS A LONG SERIES OF TAX RECEIPTS AND TOMBSTONES. WE FEEL THE PERSONAL GRIEF AND THE NATIONAL HUMILIATION OVER OUR NATION'S TWENTY YEAR INVOLVEMENT AND LOSS IN HUMAN LIVES, MONEY, ENERGY, EMOTION, AND NATIONAL PURPOSE.

"WE PRAY THAT PEACE MAY SOON BECOME A FULL REALITY IN THAT LONG-RAVAGED LAND, AND THAT RELIEF AND RECONSTRUCTION OF LIVES AND PROPERTY MAY GROW AS RENEWING FORCES FOR GOOD. KEEP US MINDFUL OF THOSE WHO LOOK TO US FOR RENEWAL OF LIFE AND HOPE. WE PRAY FOR A RESURRECTION OF NATIONAL PURPOSE WITHIN AMERICA, A PURPOSE WHICH DOES NOT ROOT IN OUR INVOLVEMENT IN ANY OTHER NATION, BUT WHICH RISES FROM OUR OWN SENSE OF THE WORTH OF EVERY HUMAN BEING AS A CHILD OF GOD AND A CITIZEN OF THE NATION OF HIS OR HER CHOICE. UNITE US AGAIN IN FULFILLMENT OF THE MUTUAL CONCERN FOR ONE ANOTHER TO WHICH WE FEEL OURSELVES TO BE CALLED. FOR THE MEMBERS OF THIS BODY, LET THIS BE A GOOD DAY, A PRODUCTIVE DAY, A HEALING DAY, WE PRAY IN THE NAME OF OUR MASTER AND LORD. AMEN."

MOTION

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

REPORTS OF STANDING COMMITTEES

April 28, 1975.

SENATE BILL NO. 2410, consolidating the administration of the various state retirement systems into a single department (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Donohue, Chairman; Odegard, Vice Chairman; Clarke, Jones, Mardesich, Marsh, Matson, Newschwander, Scott, Woody.

MINORITY recommendation: Do not pass.

Signed by: Senator Rasmussen.

Passed to Committee on Rules for second reading.

April 28, 1975.

SENATE JOINT RESOLUTION NO. 127, establishing constitutionally a citizens'

commission to set salaries of public officials (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Joint Resolution No. 127 be substituted therefor and the substitute resolution do pass.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Wilson, Second Vice Chairman; Clarke, Fleming, Grant, Jones, Lewis (Harry), Mardesich, Marsh, Matson, Murray, Newschwander, Rasmussen, Sandison, Scott, Washington, Woody.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE HOUSE

April 29, 1975.

Mr. President: The House has receded from its amendment to page 1, line 29 to SENATE BILL NO. 2074, and has passed the bill without the amendment, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

April 28, 1975.

Mr. President: The House has passed ENGROSSED HOUSE BILL NO. 707, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

April 29, 1975.

Mr. President: The Speaker has signed HOUSE BILL NO. 155, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

April 29, 1975.

Mr. President: The Speaker has signed:
HOUSE BILL NO. 451,
HOUSE BILL NO. 486, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:
HOUSE BILL NO. 155,
HOUSE BILL NO. 451,
HOUSE BILL NO. 486.

INTRODUCTION AND FIRST READING

ENGROSSED HOUSE BILL NO. 707, by Representatives Chatalas and Pardini:
Raising license fees and raising maximum amount small loan companies can loan.
Referred to Committee on Financial Institutions.

MOTION

On motion of Senator Sandison, the Senate returned to the fourth order of business.

MESSAGE FROM THE HOUSE

April 29, 1975.

Mr. President: The House refuses to concur in the Senate amendment to HOUSE

BILL NO. 385, and asks the Senate to recede therefrom, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Jolly, the Senate refused to recede from its amendment to Engrossed House Bill No. 385, and again asks the House to concur.

MOTIONS

At 10:05 a.m., on motion of Senator Bailey, the Senate recessed until 12:00 noon.

At 12:02 a.m., on motion of Senator Walgren, the Senate recessed until 1:30 p.m.

AFTERNOON SESSION

President Pro Tempore Henry called the Senate to order at 1:30 p.m.

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

REPORT OF STANDING COMMITTEE

April 28, 1975.

SENATE BILL NO. 2734, prescribing changes in shoreline management provisions (reported by Committee on State Government):

MAJORITY recommendation: That Substitute Senate Bill No. 2734 be substituted therefor and the substitute bill do pass.

Signed by: Senators Rasmussen, Chairman; Buffington, Day, Henry, Wanamaker.

MINORITY recommendation: That Substitute Senate Bill No. 2734 do not pass.

Signed by: Senator Knoblauch.

MOTION

Senator Washington moved that Senate Bill No. 2734 be referred to the Committee on Ecology.

Debate ensued.

Senators Peterson, Rasmussen and Washington 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 Guess who was previously excused.

MOTION

On motion of Senator Peterson, the Senate proceeded under the Call of the Senate.

PARLIAMENTARY INQUIRY

Senator Peterson: "My point is, are we in asking this on a roll call vote, is this to send it back to the Rules Committee or to the Ecology Committee?"

REPLY BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "We have not called the roll yet for the Call of the Senate. Senator Washington's motion is to refer it to the Committee on Ecology."

Senator Peterson: "We had the votes to call for the Call of the Senate and that is where we are right now?"

President Pro Tempore Henry: "Yes."

Senator Peterson: "Could we proceed then in that order?"

MOTION

Senator Washington moved that his motion to refer Senate Bill No. 2734 be considered as the first order of business for Thursday, May 1, 1975.

Debate ensued.

President Pro Tempore Henry declared the question before the Senate to be the motion by Senator Washington that his motion to refer Senate Bill No. 2734 be considered as the first order of business for Thursday, May 1, 1975.

The motion by Senator Washington failed.

President Pro Tempore Henry declared the question before the Senate to be the motion by Senator Washington that Senate Bill No. 2734 be referred to the Committee on Ecology.

The motion by Senator Washington failed.

Senate Bill No. 2734 was referred to the Committee on Rules.

MESSAGES FROM THE HOUSE

April 30, 1975.

Mr. President: The House has concurred in the Senate amendments to EN-GROSSED HOUSE BILL NO. 131, and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

April 30, 1975.

Mr. President: The House has concurred in the Senate amendments to HOUSE BILL NO. 861, and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

April 30, 1975.

Mr. President: The Speaker has signed HOUSE BILL NO. 474, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

April 30, 1975.

Mr. President: The Speaker has signed HOUSE BILL NO. 861, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

SECOND READING

SUBSTITUTE SENATE BILL NO. 2727, by Committee on Local Government (originally sponsored by Senator Sellar):

Setting compensation for port commissioners.

The Senate resumed consideration of Substitute Senate Bill No. 2727, which had been amended by Senator Goltz on April 28, 1975.

Senator Marsh moved adoption of the following amendments by Senators Marsh and Mardesich to the amendment by Senator Goltz:

On line 16, after "year." and immediately preceding the Goltz amendment insert "For any commissioner who has not elected to become a member of public employees retirement system before May 1, 1975, the" and strike "The" in the first word of the Goltz amendment.

On line 16, after "state" in the Goltz amendment insert "nor shall attendance at such meetings or other service on behalf of the district constitute service as defined in RCW 41.40.010(9)".

POINT OF INQUIRY

Senator Rasmussen: "Will Senator Marsh yield to a question? Senator Marsh, your

intention is to stop anybody who is not now a member of the pension system from joining?"

Senator Marsh: "That is correct as far as commissioners are concerned who would want to become members of the system and simply gain service credit by attendance at meetings."

Senator Rasmussen: "But as I understand, you are still extending the right of joining the pension system for anyone who is elected port commissioner?"

Senator Marsh: "No. The amendment will read, Senator, that for any commissioner who has not elected to become a member of the Public Employees Retirement System before May 1, 1975, the compensation provided pursuant to this section shall not be considered salary for purposes of the provision of any retirement system created pursuant to the general laws of the state, nor shall attendance at such meetings or other service on behalf of the district constitute service as defined in RCW 41.40.010(9)."

Senator Rasmussen: "My question probably is related to the general subject. How can you rationalize another elected official the same as we are, elected to a part-time job, and state legislators participate in the pension and yet you would deny this same privilege to another part-time elected official, and I do not think that would stand up very well."

Senator Marsh: "Yes, that is the intent of the amendment. The intent of the amendment is to deny part-time public officials from gaining service credit under the pension system for mere attendance at the meetings unless they are already doing so. We probably would like to cut off those already doing so, but as a matter of law they probably have a right to continue. The Supreme Court has said once you get on the pension system you have a contractual right to stay on."

Senator Rasmussen: "This is what I am asking, Senator Marsh. Would you think this also should be extended to legislators who are part-time and attend meetings?"

Senator Marsh: "I think there is a big difference between legislators and part-time port officials. Port officials attend meetings, several meetings perhaps, a month, whereas legislators are full-time and are paid on a monthly basis. Our salary may be inadequate or quite similar to what port officials are paid, but nevertheless, we are paid on a monthly basis and we are considered full-time legislators. We certainly are during session time and even during the interim most of us are spending at least half-time or more at our legislative duties. I think there is a big distinction."

President Pro Tempore Henry: "Senator Rasmussen, there is a precedent for this. A number of years ago, the liquor vendors were allowed to be on the pension system and after a certain length of time they were not accorded that privilege. That is not the ones working for the state liquor stores, but the ones who have their own vendor operation in some small community, and those who were on the system were allowed to remain on and the new ones were not allowed to, so there is precedent for this."

Senator Rasmussen: "Senator Henry, Mr. President, I can agree with that. Those are private business people, the same as the consultants whom we hire on personal service contracts who are eliminated, but in this case we are talking about duly elected officials who meet regularly and, in the case of Tacoma, are compensated regularly monthly. I think Senator Sellar is preparing another amendment to take care of this one specific case, but my question is the rationale of Senator Marsh wanting to exclude one elected official from another elected official who probably serves just as much of a part-time basis as we do."

Senator Marsh: "Senator Rasmussen, your Tacoma port officials already on the pension system will not be affected by this amendment. That is why we are attempting to modify the Goltz amendment. The Goltz amendment would take them out of the pension system, at least you could argue that. My amendment to the Goltz amendment would say that those who are already on the pension system will stay on, but if you are not on by May 1, 1975, you will not be able to get on simply by attendance at meetings. I certainly urge your approval of this amendment."

Senator Talley: "I think, Senator Rasmussen, this is per diem. We do not get any retirement pay on what we draw as per diem. This is just so much for attending a meeting. This is not a salary."

The motion by Senator Marsh carried and the amendments to the amendment by Senator Goltz were adopted.

On motion of Senator Sellar, the following amendment was adopted:

On line 16, after "RCW 41.40.010(9)" in the Marsh/Mardesich amendment insert "PROVIDED, That any level of compensation for port commissioners established by vote of the people prior to the effective date of this 1975 amendatory act shall continue in full force and effect notwithstanding the provisions of this act".

On motion of Senator Sellar, the rules were suspended, Engrossed Substitute Senate Bill No. 2727 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. 2727, and the bill passed the Senate by the following vote: Yeas, 41; nays, 7; excused, 1.

Voting yea: Senators Bailey, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Francis, Goltz, Gould, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Woody—41.

Voting nay: Senators Beck, Cunningham, Grant, Lewis (Harry), Murray, Ridder, Wilson—7.

Excused: Senator Guess—1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2727, having received the 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 Mardesich, the Senate resumed consideration of Engrossed House Bill No. 988.

SECOND READING

ENGROSSED HOUSE BILL NO. 988, by Representatives Thompson and Paridini:

Providing for presidential primaries.

The Senate resumed consideration of Engrossed House Bill No. 988 as amended on Thursday, April 24, 1975. On that day, an amendment by Senator Walgren failed. Senator Mardesich served notice that he would move for reconsideration of the vote by which the amendment was not adopted. The committee amendments were moved for adoption on that day.

On motion of Senator Beck, the committee amendments were not adopted.

Senator Mardesich moved adoption of the following amendment:

Strike all material after the enacting clause and insert the following:

"*NEW SECTION.* Section 1. In each year when a president of the United States is to be nominated and elected, there shall be held a presidential preference primary at which each voter shall have the opportunity to vote for any one candidate of any one major political party for nomination for president of the United States. Such vote may be cast for candidates placed on the ballot pursuant to section 2 of this act or, in the alternative, for delegates and alternate delegates pledged to a specific presidential candidate or uncommitted and placed on the ballot pursuant to section 3 of this act.

The presidential preference primary shall be held on the fourth Tuesday in May of each presidential election year.

NEW SECTION. Sec. 2. The name of a candidate for a major political party nomination for president shall be printed in alphabetical order on the ballot if:

(1) The secretary of state shall have determined that the individual's candidacy is generally advocated or recognized in the national news media throughout the United

States and shall have certified to the state chairman of each political party, on or before the sixtieth day preceding the presidential preference primary, the names of the individuals the secretary of state has determined to be recognized candidates for the nomination of that party to the office of president; or

(2) Members of the political party of the candidate shall have presented a petition for nomination of such candidate which shall have attached thereto a sheet or sheets containing the signatures of at least a number of registered voters who declare themselves in the petition as being affiliated with the same political party as such presidential candidate, equal to one percent of the vote cast in the state for the candidate of such political party for president at the last presidential election, or at least three thousand such registered voters, whichever number is the greater. The petition shall be filed with the secretary of state not later than the forty-fifth day prior to the presidential preference primary. The signature sheets shall also contain the residence address and name or number of the precinct of each registered voter whose signature appears thereon and shall be certified to in the manner prescribed in RCW 29.79.200 and 29.79.210.

NEW SECTION. Sec. 3. (1) Each political party shall select delegates and alternate delegates to its national nominating convention and apportion delegate votes by the method and under such rules and regulations as each such party may prescribe.

(2) The names of candidates for election as delegates and alternate delegates to a major political party's national nominating convention shall be printed on the presidential preference primary ballot if the state central committee of any such party so directs the secretary of state.

NEW SECTION. Sec. 4. If a state central committee chooses to elect delegates and alternate delegates pursuant to section 3 of this act, the following procedures shall apply to such election:

(1) Each person desiring to be a candidate for delegate or alternate delegate shall file with the secretary of state:

(a) a declaration of candidacy

(b) a petition in a form prescribed by the secretary of state containing the signatures of at least five hundred registered voters residing in such person's congressional district, and

(c) a statement declaring (i) the name of such person's preference for president or (ii) that such person is uncommitted. Such statement shall also appear on the face of each petition prior to its circulation for signatures.

(d) authorization in writing from a presidential candidate for said person to be a candidate for delegate or alternate delegate pledged to such presidential candidate.

The filing period for the position of delegate or alternate delegate shall open the first Monday in April of each year in which a presidential preference primary is to be held and shall close on the first succeeding Friday.

(2) Each person who shall have filed as a pledged candidate for delegate or alternate delegate pursuant to subsection (1) of this section shall submit prior to the date of the presidential primary election the following pledge to the state chairperson of the appropriate major political party:

Delegate Pledge

I,, do hereby swear that I am a supporter of for the office of the President of the United States; and that if elected as a delegate or alternate delegate to the Party National Convention I shall do all that I can to advance the cause of said candidate at the national convention, and furthermore, I shall cast my ballot as a delegate to said convention for said candidate on the first two ballots unless released by said candidate.

(3) The names of candidates for delegate or alternate delegate who are pledged to their designated presidential candidate shall have their names appear together on the ballot in alphabetical order in conjunction with the names in alphabetical order of such presidential candidate. The names of candidates who are not pledged to any presidential candidate shall be listed together in alphabetical order on the ballot in conjunction with

their party designation and the designation of "uncommitted delegates or alternate delegates".

(4) If party rules so provide, candidates pledged to a presidential candidate pursuant to subsection (2) of this section shall appear on the ballot only if the number of said delegate and alternate candidates is greater than or equal to the total number of delegates and alternate delegates to be elected in this state or in each congressional district, as appropriate.

NEW SECTION. Sec. 5. Insofar as is practicable, and where the provisions of this chapter do not specifically indicate otherwise, the presidential preference primary shall be conducted in the same manner as a state primary, including the certification of the election returns by the state canvassing board: PROVIDED, That the requirement of rotation of names on the ballot shall not apply to the presidential preference primary election: PROVIDED FURTHER, That the secretary of state shall certify all names to appear on the presidential preference primary ballot to the respective county auditors on or before the fourth Tuesday in April of each presidential year. County auditors, at their discretion, may combine and consolidate two or more precincts for the purpose of conducting this election only: PROVIDED, That no voter shall be required because of such consolidation to go to a location different from that of the last election. The secretary of state as chief election officer may make rules and regulations in accordance with chapter 34.04 RCW to facilitate the operation, accomplishment, and purpose of this chapter.

NEW SECTION. Sec. 6. At a presidential preference primary, a voter may vote for no more than one presidential candidate, or for no more than the total number of delegates or alternate delegates to be elected in the state or congressional district, as appropriate. Any presidential preference primary ballot with any more than such votes shall be void.

Notwithstanding the provisions of RCW 29.18.200, in the event an election for delegates and alternate delegates shall be held pursuant to section 4 of this act, a voter may vote only for delegates and alternate delegates of the same political party. If any voter votes for delegates or alternate delegates of more than one party or for delegates and alternate delegates of one political party and a presidential candidate of another political party, all such votes shall be void. A plurality vote shall be sufficient to elect a delegate or alternate delegate to any national convention, and the allotted number of candidates receiving the highest number of votes shall be deemed elected.

Notice to the effect of the provisions of this section shall appear prominently on the face of each presidential preference primary ballot. Where voting machines or voting devices are in use, the notice shall be displayed on or about each machine or device.

NEW SECTION. Sec. 7. Whenever a presidential preference primary election is held as provided by this chapter, the state of Washington shall assume all costs of holding such election: PROVIDED, That if any other election or elections shall be held at the same time, the state shall be liable only for its prorated share. Each county auditor shall determine the election costs, including the state's prorated share, if applicable, and shall file a certified claim therefor with the state auditor. The state auditor shall compile such claims for presentation to the next succeeding legislature in the same manner as other legislative relief claims.

NEW SECTION. Sec. 8. Sections 1 through 7 of this act shall constitute a new chapter in Title 29 RCW.

NEW SECTION. Sec. 9. If any provision of this 1975 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."

PARLIAMENTARY INQUIRY

Senator Bluechel: "There are two striking amendments up there. If one is not adopted, will the other one be up?"

REPLY BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "We will take them in order. If this is not adopted,

the other one will be parliamentary correct.”

Senator Bluechel moved adoption of the following amendment to the amendment by Senator Mardesich:

On page 1, section 1, line 6 after “of this act” insert a period and strike remainder of paragraph.

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: “Will Senator Bluechel yield to a question? Senator Bluechel, is this proposed amendment that you have to the Mardesich amendment drawn tight enough? What I have in mind is, a few years ago Governor Evans left Washington State pledged, along with the Republican Party, to a certain candidate for President. Upon arriving in Miami Beach, Florida, he switched horses in the middle of the stream and did not speak for the candidate the Republican Party of Washington had endorsed and he was a delegate. He spoke for, I think, Rockefeller. Now, this was contrary to the wishes of the Republican Party. There was no way that they could chastise him and there was no way they could hold him in line after he left Washington State. Would this amendment of yours keep the Governor, if he was a delegate, in line the next presidential campaign?”

Senator Bluechel: “Senator Rasmussen, I am not familiar with the details of what you are talking about, but what this is doing, this is neither a Republican nor a Democratic amendment. The amendment was drawn up by, I believe, seven Secretaries of State. I believe four of them were Democrats and three of them were Republicans. They came to an agreement some two years ago at a Western Conference of Secretaries of State, and I haven’t got the details on exactly where it was, but two years ago they decided to attempt to place before seven western states a presidential primary that would fall on the same time so that we could act as a body and literally attract the presence of the various candidates for president of this country. Now there was no indication or no intent whatsoever to try to slant this particular primary to any particular person. It simply said to the people, ‘Who do you wish to be your presidential candidate,’ and the people chose from this, and under this particular section, under section 2”

Senator Rasmussen: “Mr. President, I do not think Senator Bluechel has answered my question as to whether this would keep the delegates in line.”

Senator Bluechel: “I am just answering it, Senator Rasmussen.”

Senator Rasmussen: “It is too long an explanation.”

President Pro Tempore Henry: “Maybe the question was too long.”

Senator Bluechel: “To be specific in the question, under the fourth paragraph down, it specifically says the delegate votes apportioned by the national committee or convention to the major political parties to the delegations of their respective parties from Washington State shall be cast for at least two convention ballots in the following manner.”

POINT OF INQUIRY

Senator Francis: “Will Senator Mardesich yield to a question? Senator Mardesich, I have to preface my question by stating that, along with Senator Bluechel, I do not like the idea of having the delegates’ names themselves on the ballot. I think it would have an unduly clogged ballot, and I am wondering what is the reason for the section which allows the placing of delegates on the ballot by the party central committee and is this required by the party rules or is there some other way that we could get around that requirement, such as proportional voting or something like that, some other way of avoiding putting the actual names of delegates on the ballot?”

Senator Mardesich: “It is my understanding that under the Democratic Party’s national rules you have to have proportional representation and you may, I believe I am correct, go to the delegate selection process, congressional district by congressional district, provided that the names of the delegates are all on the ballot and that they may run either committed to a candidate or uncommitted.”

Senator Francis: “From what you are saying then, there is nothing in the national party rules that requires us to go with that option and since we can set the policies of this state and decide whether or not we are going to give the party central committee that

option, what is our reason why we would be giving the party central committee that option?"

Senator Mardesich: "Without such an option we would have the situation where the Republican Party, under the state presidential primary, a named candidate running would have a hundred percent of the delegates as by virtue of receiving a majority of the vote at the primary election or presidential primary, so that if we make the assumption, for instance, that the Republicans had fifty delegates to their national convention and Senator Evans were a favorite son candidate for the presidency, along with some other Republican, Mr. Kramer, also running on a favorite son position, if Senator Evans were to receive a majority of the votes, in that case he would take all fifty of the delegate strength with him to the national convention, so it is winner take all, in effect.

"With respect to the Democratic national rules, it would have to be, if it is a straight presidential beauty contest such as the one I described between the two good-looking Republican candidates, then you would have a situation where it would not be winner take all, but it would be proportional. The alternative, however, is provided in the national rules that where you go under the delegate selection process on a congressional basis, that a candidate may win on a winner take all basis in the congressional races and conceivably, if a candidate were to take all the congressional races, would then put us in the same position as the Republican Party would be where that candidate would have all the delegate strength from the state."

Senator Francis: "Are you saying then that the only way, under the present national rules, that the Democratic primary could provide for winner take all would be by putting the delegates' names on the ballot?"

Senator Mardesich: "That is correct, by congressional district."

Further debate ensued.

The motion by Senator Bluechel failed and the amendment to the amendment was not adopted on a rising vote.

Senator Grant moved adoption of the following amendment to the amendment by Senator Mardesich:

On page 1, section 1, after the first paragraph insert: "Each person desiring to vote in the presidential preference primary shall request a primary ballot of the major political party primary in which he or she intends to vote, at which time the precinct election worker shall give each person the appropriate primary ballot.

A separate ballot shall be printed for each major political party which has candidates whose names have been authorized for placement on presidential preference primary ballots under the provisions of section (2) of this act. The names of all presidential candidates for a party's nomination for the office of president shall be listed alphabetically in a column on that party's ballot. If the state's committee of either major political party directs the secretary of state to cause to be placed on the presidential preference primary ballot the names of candidates for election as delegates and alternate delegates to such party's national nominating convention under the provisions of section 3 of this act, then a separate ballot shall be printed for each major political party which has candidates for delegate and alternate delegates."

Debate ensued.

The motion by Senator Grant failed and the amendment to the amendment was not adopted on a rising vote.

Senator Lewis (Harry) moved adoption of the following amendment to the amendment by Senator Mardesich:

On page 1, on the fourth line of subsection (2) strike "who declare themselves in the petition as being affiliated with the same political party as such presidential candidate,".

Debate ensued.

The motion by Senator Lewis (Harry) failed and the amendment to the amendment was not adopted.

There being no objection, the amendment by Senator Lewis (Harry) to page 1, line 17 on the Secretary's desk, was withdrawn.

Senator Morrison moved adoption of the following amendment to the amendment by Senator Mardesich:

On page 4 of the amendment, strike all of section 7 and insert:

"NEW SECTION. Sec. 7. Whenever a presidential preference primary election is held as provided by this chapter, the candidates for president of the political parties appearing on the ballot shall assume all costs on a pro rata basis as determined by the number of candidates appearing on the ballot: PROVIDED, That if any other election or elections shall be held at the same time, the candidates shall be liable only for their prorated share. Each county auditor shall determine the election costs, including the candidate's prorated share, if applicable, and shall file a certified claim therefor with the state auditor. The state auditor shall compile such claims for presentation to the candidates and collection of the determined pro rata share."

Debate ensued.

Senator Lewis (Harry) demanded a roll call and the demand was sustained by Senators Benitz, Matson, Jones, North, Wanamaker, Scott, Bluechel, Cunningham and Clarke.

ROLL CALL

The Secretary called the roll and the amendment by Senator Morrison to the amendment by Senator Mardesich was not adopted by the following vote: Yeas, 18; nays, 31.

Voting yea: Senators Benitz, Bluechel, Buffington, Clarke, Cunningham, Gould, Guess, Jones, Lewis (Harry), Lewis (R. H. "Bob"), Matson, Morrison, Murray, Newschwander, North, Scott, Sellar, Wanamaker—18.

Voting nay: Senators Bailey, Beck, Bottiger, Day, Donohue, Fleming, Francis, Goltz, Grant, Henry, Herr, Jolly, Keefe, Knoblauch, Mardesich, Marsh, McDermott, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Woody—31.

Senator Morrison moved adoption of the following amendment to the amendment by Senator Mardesich:

On page 4, after new section 7, add the following:

"NEW SECTION. Sec. 8. The position of delegate or alternate delegate shall be considered a public office for purposes of applications of chapter 42.17 RCW, the Washington state public disclosure law."

Re-number remaining sections consecutively.

Senator Walgren moved adoption of the following amendment to the amendment by Senator Morrison:

In the first line of the amendment by Senator Morrison following "shall" and before "be" insert "not".

POINT OF ORDER

Senator Morrison: "Mr. President, I would make inquiry as to whether the proposed oral amendment does in fact expand the scope and object of my amendment."

RULING BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "The President, in ruling upon Senator Morrison's point of scope and object, it does not expand the scope and object of the bill. The only difference is that Senator Morrison knows who would have voted yea for your amendment and will now be forced to vote nay. It is a reversal of the voting procedure."

Debate ensued.

POINT OF ORDER

Senator Bailey: "Mr. President, in Reed's on page 101, which I gather supersedes Henry"

President Pro Tempore Henry: "Not necessarily."

Senator Bailey: "Page 101, it says, 'The insertion of the word "not" or the striking it out is not a proper amendment.'"

President Pro Tempore Henry: "Could you run that by me again?"

Senator Bailey: "It says, it discusses amendments and what is proper. It says, 'The insertion of the word "not" or striking it out is not a proper amendment since it does

not change the question but merely reverses the vote and requires two votes where one would accomplish the same.' "

President Pro Tempore Henry: "That was substantially the ruling I made."

Senator Bailey: "Then why are we considering Senator Walgren's amendment, if you made that ruling?"

RULING BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "The question was on scope and object. It did not enlarge the scope and object; it reversed the order of vote. Senator Bailey's point is well taken. The word 'not' is not a correct amendment."

Senator Mardesich: "Mr. President, is the ruling that the insertion of the word 'not' is not a proper amendment?"

President Pro Tempore Henry: "On page 101 of Reed's Parliamentary, which Senator Bailey says supersedes mine, 'The insertion of the word "not" or the striking it out is not a proper amendment since it does not change the question but merely reverses the vote.' "

Senator Mardesich: "Does the President then hold that another amendment is in order, having the word 'not' in it?"

President Pro Tempore Henry: "Yes, that would be a substitute amendment. I think the correct procedure would be, if I can be brutally frank, to vote down the Morrison amendment and then submit an amendment of your own. That is why you are the majority party, isn't it?"

PARLIAMENTARY INQUIRY

Senator Lewis (Harry): "I believe the roll call I asked for was on the Walgren amendment."

REPLY BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "The Walgren amendment has now been ruled out of order. Do you still want a roll call on the Morrison amendment?"

The amendment by Senator Walgren to the amendment by Senator Morrison was ruled out of order.

Senator Lewis (Harry) demanded a roll call and the demand was sustained by Senators von Reichbauer, Matson, Newschwander, Murray, Scott, Wanamaker, Cunningham, Jones and Bluechel.

President Pro Tempore Henry declared the question before the Senate to be the roll call on the amendment by Senator Morrison to the amendment by Senator Mardesich.

ROLL CALL

The Secretary called the roll and the amendment by Senator Morrison to the amendment by Senator Mardesich was not adopted by the following vote: Yeas, 17; nays, 32.

Voting yea: Senators Benitz, Bluechel, Clarke, Cunningham, Gould, Jones, Lewis (Harry), Lewis (R. H. "Bob"), Matson, Morrison, Murray, Newschwander, North, Scott, Sellar, von Reichbauer, Wanamaker—17.

Voting nay: Senators Bailey, Beck, Bottiger, Buffington, Day, Donohue, Fleming, Francis, Goltz, Grant, Guess, Henry, Herr, Jolly, Keefe, Knoblauch, Mardesich, Marsh, McDermott, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Stortini, Talley, Van Hollebeke, Walgren, Washington, Wilson, Woody—32.

On motion of Senator Walgren, the following amendment to the amendment by Senator Mardesich was adopted:

On page 4 of the amendment, after section 7 add the following:

"NEW SECTION. Sec. 8. The position of delegate or alternate delegate shall not be considered a public office for purposes of application of chapter 42.17 RCW, the Washington state public disclosure law."

Re number the remaining sections consecutively.

The Secretary read the following amendment by Senator Lewis (Harry) to the amendment by Senator Mardesich:

On page 3, strike the material of the second paragraph of new section 6, beginning with "Notwithstanding" down through "void." on line 7 of the paragraph.

POINT OF INQUIRY

Senator Lewis (Harry): "Will Senator Mardesich yield to a question?"

Senator Mardesich: "I did not check that."

Senator Lewis (Harry): "Mr. President, I am proposing this amendment but I do not want to propose it to the Senate if it violates the Democratic Party national rules and that was the question I would ask Senator Mardesich. If it does violate the Democratic national rules, why I would like to withdraw the amendment. What the amendment does, again, while Senator Mardesich is making that determination, it just provides that a voter can vote for a delegate or alternate of more than one party. It gives him the freedom to do that. It does not require that he has to select a ballot and he has to vote for one party only, and it would preserve that right. Now, I understood in the selection of the presidential candidate the national rules of the Democratic Party provided you had to go that way, but in the event that it does not apply to the delegates and alternates, I see no reason why people in a district who know individuals in a community who are going back and speak for that community should not have the opportunity to vote for the delegates or alternates that they want. Many times in the city of Olympia or the county of Thurston we know an elderly farmer or a young gal who has been interested in the Democratic Party or the Republican Party and we know them on an individual basis and we would like to have that opportunity to vote for them. I just believe the people would feel that way and if it does not affect your national party position, I hope that you would feel the same way. Perhaps Senator Beck could respond."

Senator Beck: "Specifically to your question, Senator Lewis, the Democratic Party rules do not permit Republicans to come and help nominate the Democrat nominee, and this is in violation of the party rules."

Senator Lewis (Harry): "With the permission of the Senate, I would like to withdraw the amendment."

There being no objection, the amendment by Senator Lewis (Harry) was withdrawn.

Senator Pullen moved adoption of the following amendment by Senators Pullen and Benitz to the amendment by Senator Mardesich:

On page 4, add a new section as follows:

"*NEW SECTION.* Sec. ____ REFERENCE. 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 section 1, Article II of the state constitution as amended, and the laws adopted to facilitate the operation thereof."

Debate ensued.

The motion by Senator Pullen failed and the amendment to the amendment by Senator Mardesich was not adopted.

The motion by Senator Mardesich carried and the amendment, as amended, was adopted.

On motion of Senator Beck, the rules were suspended, Engrossed House Bill No. 988, 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 Bluechel: "Would Senator Mardesich yield to a question, please? Senator Mardesich, under section 3, subsection 2, that states that the names of the candidates for election as delegates and alternate delegates to major political party nominating conventions shall be printed on a presidential preference primary ballot if the state central committee of any such party so directs. Could you explain to me just how a ballot would

read? Would the names of the candidates be first, or would the name of the presidential candidate be first, and if there are more candidates for delegates than are allowed under either national convention, how are these chosen? In other words, what is the make-up of the ballot? How does the voter look at it when he walks in and has to cast his vote, and what choices does he have?"

Senator Mardesich: "First of all, he would have, I would assume, with respect to the person who is a Republican, and applying my own logic to the situation if I were in control of that situation, he would have simply the names of the various presidential candidates of this next election, from which he would make a choice. I would assume that the Democratic state committee would make — this makes some assumptions that you have a fifty-five or fifty-six delegates apportioned to the state of Washington from the Democratic side — the way this is set up, I would assume we might allow the selection of seven delegates from each congressional district; the number running statewide that would give us forty-nine delegates on the ballot, and a number running statewide.

"Now they could, in the alternative, apply it all to the state congressional districts if it were a number which was divisible by seven. I would assume then that the ballot would be set up in such a manner that in conjunction with the name of the presidential candidate to whom the various delegates or alternates are pledged, that you would have those names listed. If I were a candidate and under that type of a rule adoption I would, since the national rules would allow a candidate to decide who he may wish to represent him as a delegate, then I would provide that I would have only seven names under my ballot to prevent a dilution of the spread of votes, the vote for one principle. And so, as a matter of fact, I think he would be required to put seven on the ballot. Senator Beck may check me on this because he was much closer to the subject than I, but that would be my opinion. How it would be handled? I think that every person would then make his choice from a list, a slate, as it were. That is not saying that some candidate might not desire fourteen delegates rather than the suggestion that I made that he would be wise to choose seven, and that could be possible, but I would think that logically there would be no sense to that position and you will have a ballot where, under the Democratic side most likely you would have perhaps seven people running for the delegate's position and then a series running as statewide and then you would have another slot where there would be unallocated or uncommitted delegates and the ballot would appear in that order; alphabetically a list of those people, if there were a Mr. Anderson running for president, first, and his delegates would be listed in conjunction with his name; and then you would have at the end of that ballot after all the candidates have been so listed, those who are running in excess, not from a congressional district but you could have either some by appointment or some by running statewide and I think this provides for statewide; and then finally you would have those who are uncommitted, again appearing in alphabetical order. I do not know whether that is really an answer to your question but that is my"

Senator Bluechel: "Senator Mardesich, yes, you have partially answered my question. The question I have then is, let us say that a candidate 'X' on the Democratic side has available seven delegates in any congressional district which are on the ballot and either he picks — supposing those delegates are contested, supposing there are fifteen delegates, or fourteen, who want to try for that spot. Does the presidential candidate say, 'You can only be a delegate and you cannot be a delegate'?"

Senator Mardesich: "Under our rules, that is the situation. A candidate has the right to reject any name. The logic of that, of course, is to avoid someone such as Senator Bluechel running as a supporter of President Jackson, whereas he may not in fact be. He may support Governor Evans in his candidacy."

Senator Bluechel: "Even though, Senator Mardesich, by the rules here these are bound for two ballots. Thank you, Senator Mardesich. You have answered the question."

Further debate ensued.

POINT OF INQUIRY

Senator Goltz: "I would like to ask Senator Beck to yield to a question? Senator

Beck, could a card-carrying Republican, let us say a Republican who is so involved in his own party that he is selected as a delegate to the national convention to select the Republican presidential candidate; could that person vote in the Washington State Democratic preferential primary and select delegates to the Democratic convention?"

Senator Beck: "I can give a one word answer, yes, but I would elaborate. I do not understand a card-carrying Republican but even we could get Senator Bluechel over here. When he walks down and votes in the presidential primary preference, you will get the whole ballot there, Alan, but you will only be — your ballot is void if you vote for two parties. You can only vote for one party."

Further debate ensued.

Senator Jones moved that Engrossed House Bill No. 988, as amended by the Senate, be referred to the Committee on Ways and Means.

Senator Bailey amended the motion by Senator Jones that Engrossed House Bill No. 988, as amended by the Senate, that the Committee on Ways and Means report back to the Senate by Friday noon with recommendations.

The motion by Senator Jones as amended by Senator Bailey carried. Engrossed House Bill No. 988, as amended by the Senate, was referred to the Committee on Ways and Means with instructions.

MOTION FOR RECONSIDERATION

Senator Van Hollebeke moved that the Senate reconsider the vote by which Engrossed House Bill No. 988, as amended by the Senate, was referred to the Committee on Ways and Means with instructions to return to the Senate on Friday with recommendations.

The motion for reconsideration failed.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of Senate Bill No. 2401.

SECOND READING

SENATE BILL NO. 2401, by Senators Grant, Mardesich, Bailey and Ridder:
Providing for adjustment of workmen's compensation payments.

REPORT OF STANDING COMMITTEE

February 17, 1975.

SENATE BILL NO. 2401, providing for adjustment of workmen's compensation payments (reported by Committee on Labor):

MAJORITY recommendation: Do pass with the following amendment:

On page 2, beginning on line 18, strike all material through "established" on line 20.

Signed by: Senators Ridder, Chairman; Bailey, Grant, von Reichbauer.

The bill was read the second time by sections.

Senator Ridder moved that the committee amendment not be adopted.

POINT OF INQUIRY

Senator Grant: "Would Senator Ridder yield to a question? Senator Ridder, it was my understanding that the committee amendment simply deleted language that the committee felt was redundant. Now I recognize that there are other floor amendments, but it just occurs to me that the language is redundant and the committee amendment should be adopted."

Senator Ridder: "I apologize. I am unprepared. We came to this faster than I thought we would. If Senator Grant wishes to proceed in that fashion, I have no objection."

Senator Grant moved that the committee amendment be adopted.

MOTION

On motion of Senator Mardesich, Senate Bill No. 2401, together with the pending committee amendment, was made a special order of business on second reading for Thursday, May 1, 1975.

MOTIONS

On motion of Senator Mardesich, the Senate dispensed with the Call of the Senate.
On motion of Senator Mardesich, the Senate returned to the first order of business.

REPORT OF STANDING COMMITTEE

April 28, 1975.

HOUSE BILL NO. 511, requiring that milk producers be paid costs of production (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Wilson, Second Vice Chairman; Bailey, Jones, Lewis (Harry), Matson, Murray, Washington, Woody.

Passed to Committee on Rules for second reading.

SIGNED BY THE PRESIDENT

The President signed:
SENATE BILL NO. 2074.

MOTION

At 4:25 p.m., on motion of Senator Mardesich, the Senate adjourned until 9:45 a.m., Thursday, May 1, 1975.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

FORTY-NINTH DAY**MORNING SESSION**

Senate Chamber, Olympia, Thursday, May 1, 1975.

The Senate was called to order at 9:45 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 Grace Wescott and Robert Taylor presented the Colors. Reverend Paul J. Beeman, pastor of First United Methodist Church of Olympia, offered the following prayer:

"O GOD, OUR FATHER, YOU WHO STAND BEHIND THE LIFE AND WORK OF ALL MANKIND, WE COME, OPENING OUR MINDS TO YOU AT THE OUTSET OF THIS NEW DAY. PERHAPS THE MOST IMPORTANT THING THAT ANY ONE OF US MAY FEEL IS THE DEEP DESIRE THAT OUR LIVES MAY COUNT FOR SOMETHING, AND THAT WHAT THEY COUNT FOR IS GOOD, AND WORTHWHILE, AND LASTING. SO AS WE EVALUATE THE TASKS BEFORE US TODAY, HELP US TO CHOOSE TO INVEST OUR BEST EFFORT ON THOSE WE BELIEVE TO BE GOOD, WHOLESOME, AND HELPFUL TO OTHERS, HELP US TO EVALUATE ALSO THOSE THINGS WHICH ARE ACTUALLY WORTH THE INVESTMENT OF THE PRECIOUS TIME WHICH YOU HAVE GIVEN TO US. AND ASSIST US, FATHER, IN SELECTING THOSE TASKS WHICH MAY HAVE PURPOSE AND MEANING BEYOND THE MOMENT, EVEN BEYOND OUR OWN LIFETIMES, AND OUT INTO THE FUTURE OF CITIZENS YET UNBORN. TO THESE ENDS, HELP US TO BE SELECTIVE IN THE TASKS WE ENTER INTO TODAY AND HELP US TO KNOW THAT THOSE WHO MAY DISAGREE WITH US ARE SEEKING THE SAME ENDS. THEN GIVE US ALL YOUR GUIDANCE, YOUR STRENGTH, AND FINALLY YOUR SENSE OF PEACE WHEN WE HAVE GIVEN OUR BEST JUDGMENT AND EFFORT TO THIS DAY. WE PRAY IN THE NAME OF JESUS CHRIST OUR LORD. AMEN."

MOTION

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

REPORTS OF STANDING COMMITTEES

April 30, 1975.

SENATE BILL NO. 2321, authorizing accumulated leave of classified school district employees to be used for retirement purposes (reported by Committee on Education):

MAJORITY recommendation: That Substitute Senate Bill No. 2321 be substituted therefor and the substitute bill do pass.

Signed by: Senators Stortini, Chairman; Francis, McDermott, von Reichbauer.

Passed to Committee on Rules for second reading.

April 30, 1975.

SENATE BILL NO. 2689, regulating school related photography services (reported by Committee on Education):

RECOMMENDATION: That Substitute Senate Bill No. 2689 be substituted therefor and the substitute bill do pass.

Signed by: Senators Stortini, Chairman; Francis, Gould, McDermott, Murray, Newschwander, von Reichbauer.

Passed to Committee on Rules for second reading.

April 30, 1975.

ENGROSSED HOUSE BILL NO. 92, imposing liability for certain taking of merchandise (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Francis, Chairman; Bottiger, Clarke, Jones, Keefe, Marsh.

Passed to Committee on Rules for second reading.

May 1, 1975.

HOUSE BILL NO. 393, modernizing language referring to mentally incompetent persons (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Francis, Chairman; Buffington, Jones, Marsh, Scott, Woody.

Passed to Committee on Rules for second reading.

April 30, 1975.

ENGROSSED HOUSE BILL NO. 760, permitting deduction of retired allowance for payment of health care (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; Buffington, Cunningham, Goltz, Gould, Herr, McDermott, North, Van Hollebeke.

Passed to Committee on Rules for second reading.

April 30, 1975.

HOUSE JOINT MEMORIAL NO. 13, requesting the President and Congress terminate the airline mutual aid agreement (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass.

Signed by: Senators Walgren, Chairman; Henry, Vice Chairman; Beck, Bottiger, Jolly, Knoblauch, Peterson, Stortini, Talley.

MINORITY recommendation: Do not pass.

Signed by: Senators Bluechel, Guess, Morrison, Wanamaker.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE GOVERNOR

Office of the Governor, April 28, 1975.

TO THE HONORABLE, THE SENATE OF THE STATE OF WASHINGTON

LADIES AND GENTLEMEN:

I have the honor to advise that on April 28, 1975, Governor Evans approved the following Senate Bills, entitled:

SENATE BILL NO. 2127: Expanding the definition of "construction project" for PUD projects.

SENATE BILL NO. 2384: Permitting investment of excess city funds in LID interim financing warrants.

SENATE BILL NO. 2402: Permitting port district commissioners to delegate authority to managing official.

Sincerely,
CHI-DOOH LI
Legal Counsel

Office of the Governor, April 28, 1975.

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

LADIES AND GENTLEMEN:

I have the honor to advise that on April 25, 1975, Governor Evans approved the following Senate Bill, entitled:

SENATE BILL NO. 2079: Facilitating the refund of erroneously paid camper and trailer tax.

Sincerely,
CHI-DOOH LI
Legal Counsel

MESSAGES FROM THE HOUSE

April 30, 1975.

Mr. President: The House has passed:
ENGROSSED SENATE BILL NO. 2300,
ENGROSSED SENATE BILL NO. 2647,
ENGROSSED SENATE BILL NO. 2892, and the same are herewith transmitted.
DONALD R. WILSON, Assistant Chief Clerk.

April 30, 1975.

Mr. President: The House has passed:
ENGROSSED HOUSE BILL NO. 971,
ENGROSSED HOUSE BILL NO. 1029,
SUBSTITUTE HOUSE BILL NO. 1078, and the same are herewith transmitted.
DONALD R. WILSON, Assistant Chief Clerk.

May 1, 1975.

Mr. President: The Speaker has signed: HOUSE BILL NO. 131, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:
HOUSE BILL NO. 131,
HOUSE BILL NO. 474.

INTRODUCTION AND FIRST READING

ENGROSSED HOUSE BILL NO. 971, by Representatives Randall, Pardini, Sommers and Newhouse:

Pertaining to taxation of leasehold interests.
Referred to Committee on Ways and Means.

ENGROSSED HOUSE BILL NO. 1029, by Representatives Conner, Warnke, Eikenberry, Kalich, Wojahn and Gallager:

Recognizing the Washington association of sheriffs and chiefs of police.
Referred to Committee on Local Government.

SUBSTITUTE HOUSE BILL NO. 1078, by Committee on Natural Resources (originally sponsored by Representatives Martinis, Moreau, Kalich, Matthews and Wilson):

Revising the forest practices act.
Referred to Committee on Natural Resources.

SPECIAL ORDER OF BUSINESS

SECOND READING

SENATE BILL NO. 2401, by Senators Grant, Mardesich, Bailev and Ridder:

Providing for adjustment of workmen's compensation payments.

The time having arrived, the Senate resumed consideration of Senate Bill No. 2401. The committee amendment was considered on April 30, 1975. On motion of Senator Mardesich, Senate Bill No. 2401 and the pending committee amendment was made a special order of business for today.

On motion of Senator Ridder, the committee amendment was adopted.

Senator Mardesich moved adoption of the following amendment by Senators Mardesich and Morrison:

On page 2, line 15, strike all of subsection (2).

Debate ensued.

POINT OF INQUIRY

Senator Ridder: "Would Senator Morrison yield? I am curious about the figures that you cited, Senator Morrison. You said, I think, six point six million is the current impact should subsection 2 be removed. Is that correct?"

Senator Morrison: "Yes."

Senator Ridder: "And you were balancing that off against forty-three million should it stay in, but my interpretation would be that certainly a great portion of that forty-three million would be applicable when we come back, presumably next January, to reinstitute an escalator clause?"

Senator Morrison: "Senator Ridder, I am confident, as I indicated, that this Senate will come back, this legislature, and again take a look at these benefits in future years. Recall now, we have waited from '71 until this 1975 session to make the adjustment that we are agreeing to make in this bill. I am confident we will be back, if not next year, in a couple of years. We will look at the funding; we will see where we are; right now we are twenty million dollars in the hole, but the rate has been adjusted to make up for that. I just think we do not want to come back periodically and not grant this thing forever because of the impact we have seen in other areas. Yes, we probably will spend over the next six years the forty-three million dollars that we are talking about in the fiscal note, but I think we want to come back and have some control over it rather than just letting it go now by not striking the subsection."

Senator Ridder: "It would seem to me that if, and as you spoke you extended that to a couple of years at which time we would be making the adjustment, then we are again asking the injured worker or the surviving spouse to be paying that difference in the fiscal note, as we have been doing in the last four years; that is, those who have been injured since 1971 have not had the advantage of this adjustment up until now, so that they in effect have subsidized that lower rate which we have been able to pay."

POINT OF INQUIRY

Senator Talley: "Will Senator Morrison yield? Senator Morrison, I feel, and I wonder about your thinking, that industrial insurance is something the state is in. We guarantee these injured workmen a pension and I think it is our prime responsibility to see that that pension has kept up with the current cost of living. I do not think they should have to come back every two years and beg for a cost of living increase."

Senator Morrison: "Senator Talley, yes, I am inclined to agree with you and I do not think they have come back begging for that increase. Senator Mardesich has pointed out that the federal government does provide, and I think through social security is providing for, continued escalation. That is why it is essential that we come back periodically and see what these benefits actually amount to and the status of the fund, and grant these increases. I concur with you. I do not think we are going to treat the injured workmen shabbily at all. We are just going to make sure that when we give him something, that the money is there to back it up."

POINT OF INQUIRY

Senator Bottiger: "Would Senator Morrison yield to another question? Senator Morrison, as I understand it, the series of amendments, and especially the second amendment allowing the social security offset, would tear holes in your forty-three mil-

lion dollar figure. As I understand it, the effect of the second amendment would be to keep at the state level the offset currently being claimed by the federal government and that the reduction of the forty-three million dollar figure is really something like nineteen. Can you set me straight on that if I am wrong?"

Senator Morrison: "Senator Bottiger, it is very difficult to calculate what the social security offset would bring to the state of Washington. Those figures are not available to us. It is estimated by Labor and Industries that the saving, if we can bring back to the state coffers the money that is now staying with the federal government will amount to about two and one-half million dollars per year. Yes, you are accurate. The forty-three million dollars I spoke of would be only if the bill passed as it is in the present form in front of us. If we are able to adopt the amendment proposed by Senator Mardesich, we would be able to deduct from that total cost two and one-half million dollars per year during that same six year period of time, so the forty-three million dollars would be reduced by that amount. Interestingly enough, the injured workman does not get any more. It is just that we are keeping the money here to reduce the impact on both employees and employers, so that would affect the statement that Senator Ridder made that in fact these workers, by not getting the benefits, were the ones that were paying it. That applies to the offset also."

Senator Mardesich: "I would like to address myself briefly to the question that Senator Ridder asked, and the implication of the question was that the employee was the one who was losing the difference between the six million and the forty-eight (sic) million, and that is not so. There may be some difference but the difference is that the federal government will be picking up part of that difference between—the bulk of the difference—between six and forty-three rather than the state fund. Fifty percent paid by the employer and fifty percent paid by the employee, so that in fact we will be getting back a return on what each employer and each employee has invested in social security rather than paying it directly out of the employer and employee's pockets."

POINT OF INQUIRY

Senator Rasmussen: "Would Senator Mardesich yield to a question? Senator Mardesich, if we defeat your first amendment and adopt your second amendment, we will be taking care of leaving the federal offset here in the state, won't we?"

Senator Mardesich: "Yes, but you could then have a situation where a person's cost of living increases would be in excess of the cost of living increases which are normal, in other words, the actual. If the cost of living increases were ten percent under that theory, if this were to be eliminated, then it is conceivable that a person could get something in excess of the normal cost of living, and that could be compounded over the years because he would be getting a cost of living by virtue of the state fund and he would be getting an additional cost of living out of the federal fund then, so you would have a duplicate cost of living increase; not entirely duplicate but in excess of one hundred percent cost of living increase."

Senator Rasmussen: "Then my second question, Senator Mardesich, would be, if we defeat your first amendment, this is out of the supplemental pension fund, what would the additional cost be to the employer and the employee?"

Senator Mardesich: "I believe that figure was about six and one-half million dollars."

Senator Rasmussen: "Total for the biennium?"

Senator Mardesich: "No, for a six year period."

Senator Rasmussen: "For a six year period? It is rather a minor amount."

Senator Mardesich: "That is true but do not forget that the employee and the employer have paid for that portion of the balance up to the forty-three that they will be then getting from the federal rather than from the state fund. They do not get it all but they get a good portion of it . . . increase their cost of living that goes with the federal part of the program, so actually it is not the difference, as was implied by Senator Ridder, that the employees are not getting that difference. The fact is they are getting a large proportion of it from the federal government rather than from the state fund."

Senator Rasmussen: "Thank you. My impression would be, Senator Mardesich,

that we should defeat the first amendment and adopt the second amendment and we would not be doing any great damage but we would be doing quite a bit of good as far as the injured workman is concerned so I would urge the body to vote against the first amendment."

Further debate ensued.

The motion by Senator Mardesich carried and the amendment was adopted on a rising vote.

On motion of Senator Ridder, the following amendment by Senators Mardesich and Morrison was divided.

Senator Mardesich moved adoption of the following amendment by Senators Morrison and Mardesich:

On page 2, following line 36, add a new section to read as follows:

"*NEW SECTION.* Sec. 3. (1) For persons under the age of 62 receiving compensation for temporary or permanent total disability pursuant to the provisions of chapter 51.32 RCW, such compensation shall be reduced by an amount equal to the benefits payable under the federal old-age, survivors and disability insurance act as now or hereafter amended not to exceed the amount of the reduction established pursuant to 42 USC 424a. However, such reduction shall not apply when the combined compensation provided pursuant to chapter 51.32 RCW and the federal old-age, survivors and disability insurance act is less than the total benefits to which the federal reduction would apply, pursuant to 42 USC 424a.

Renumber the remaining section.

Debate ensued.

The motion by Senator Mardesich carried and the amendment was adopted.

Senator Mardesich moved adoption of the following amendment by Senators Mardesich and Morrison:

(2) For persons not covered by subsection (1) whose right to compensation for temporary or permanent total disability or death is established after July 1, 1975 such compensation shall be reduced by the benefits payable under the federal old-age, survivors and disability insurance act, as now or hereafter amended, except that the combination of such compensation and benefits shall not be reduced below eighty percent of the wages upon which the amount of compensation is based pursuant to 51.08.178 RCW, as now are hereafter amended."

POINT OF INQUIRY

Senator Bailey: "Would Senator Mardesich yield? Senator Mardesich, in this subsection 2 I am a little concerned about it where you say, 'for persons whose right to compensation for temporary or permanent total disability or death.' We know that you do not draw social security after you die but your widow does. What I am concerned about is, by putting the word 'death' in there are you not perhaps taking a social security payment that would be due a widow and her children, along with industrial insurance, and following it up to the extent that you are actually bringing about a cut in her benefits? I think that you have to look at this rather closely. I can see your first amendment where you consolidate the mixture of the state funds and the social security funds and give the same result as far as the total goes, but when you get into the death of a man, I do not care what age he was or what age the widow is, she has that benefit coming under social security until her children are of age. If we put that in this section, what does that do to the social security benefits that would be accruing to a widow and her children, in addition to the fact that she would also be eligible under current law to industrial insurance? I am very concerned about that word and I think you should be very sure before we move in this that we are not really cutting somebody back in the future."

Senator Mardesich: "The 1975 date in subsection 2 is a grandfather clause. This amendment has no effect on anyone who is currently drawing that pension. They would continue to draw it and it would have no effect by way of a reduction on those people who are now drawing it. More properly, I think, your question relates to those who might be injured in the future and then the question arises, is there a reduction as to those people from current allowable benefits; and the answer to that is possibly yes, at

the high level. For those people, as a matter of fact for I would venture to say anyone under the eight hundred dollar a month figure—that figure could be off a little bit but it is near that figure—that today the survivor, where there is a survivorship situation such as you are talking about, that person, survivor, could be drawing, the wife of a deceased married man, no children, would be drawing more after the death of the man, under the law today, she would be drawing more, than the man was making as a monthly wage. Now with respect to those people in excess of the eight hundred dollar amount, the limitation of eighty percent of the man's final wage would probably have a tendency to cut her down to that eighty percent so she would only get eighty percent rather—I say I do not know exactly what that figure is, but at some state there she could be getting more than the husband was earning, and in that event this would have the effect of causing a reduction down to that eighty percent, but for those people in the lower scales they could, under law today, be getting in excess of the amount the man was making when he was working. The wife could be drawing, in the case of a man who was at the six hundred dollar level, I would guess it would be about six hundred and fifty or six hundred and seventy dollars a month, so in that case it would be a reduction.”

REMARKS BY SENATOR BAILEY

Senator Bailey: “Mr. President, my question is just, so what? So what if after they lose their husband that they draw a little more than their husband drew when he was living? I think we are monkeying here with a very sensitive thing. These people are owed their social security. They have widow's benefits. If they lose their husband they do not want to lose them on purpose, I am sure, maybe they have four or five kids and they have depended on social security so now we are saying to them that ‘You will be losing your industrial insurance, bringing it down so that we try to get you down to eighty percent of what your husband was making.’ I think these are two insurance policies. They are not brought about by the intent of the person to have someone killed. They are rather insurance policies to cover the security of the family, and I just think this is a horrible thing for us to be embarking on. Now it is all right for us to talk about this for a retirement, I am not sure, I am beginning to wonder now, on our pension systems, this is all right to talk about that; but why single out the unfortunate, the very unfortunate, situation and make them the prime example, the first case at point in the state of Washington? Why pick on those people when we cannot even drive a pension bill through to do this to ourselves? I think this is a horrible amendment and I think it should be defeated by every member on the floor.”

Senator Day moved adoption of the following amendment to the amendment by Senators Mardesich and Morrison:

On the third line of subsection (2), strike “1975” and insert “1976”

Debate ensued.

The motion by Senator Day carried and the amendment to the amendment was adopted on a rising vote.

Further debate ensued.

Senator Bailey demanded a roll call and the demand was sustained by Senators Grant, Francis, Rasmussen, Jones, Ridder, Bottiger, Washington, Talley and Cunningham.

The President declared the question before the Senate to be the roll call on the amendment by Senators Mardesich and Morrison as amended by Senator Day.

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 Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Donohue, Gould, Guess, Herr, Jones Lewis (Harry), Lewis (R. H. “Bob”), Mardesich, Marsh, Matson, Morrison, Newschwander, North, Peterson, Pullen, Scott, Sellar, Wanmaker—24.

Voting nay: Senators Bailey, Beck, Bottiger, Fleming, Francis, Goltz, Grant, Henry, Jolly, Keefe, Knoblauch, McDermott, Murray, Odegaard, Rasmussen, Ridder,

Sandison, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Woody—25.

On motion of Senator Ridder the rules were suspended, Engrossed Senate Bill No. 2401 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. 2401, and the bill passed the Senate by the following vote: Yeas, 48; nays, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—48.

Voting nay: Senator Guess—1.

ENGROSSED SENATE BILL NO. 2401, having received the 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. 2300,
SENATE BILL NO. 2647,
SENATE BILL NO. 2892,
HOUSE BILL NO. 861.

SECOND READING

SUBSTITUTE SENATE BILL NO. 2376, by Committee on State Government (originally sponsored by Senators Guess and Cunningham):

Prescribing rights of private property owners.

The Senate resumed consideration of Substitute Senate Bill No 2376. On April 23, 1975, Substitute Senate Bill No. 2376 was substituted for Senate Bill No. 2376 by Senator Rasmussen and placed on second reading. On April 28, 1975, Substitute Senate Bill No. 2376 was amended by Senator Bottiger and held on second reading.

Senator Guess moved the rules be suspended, Engrossed Substitute Senate Bill No. 2376 be advanced to third reading, the second reading considered the third, and the bill be placed on final passage.

REMARKS BY SENATOR GUESS

Senator Guess: "Mr. President, I think the bill was thoroughly discussed. As I told you the other day and as we have talked it over since the last time it was discussed on Monday, the bill is a restatement of the fact. It is not to repeal anything but it is to serve as an indication that the people of the state of Washington still have a dedication to the use of their own private property and do not want the courts to rule that private property is in fact held in public trust, and I think that those of us who are convinced that the right of the individual to own his private property and to use it without undue interference by the government are still dedicated to this purpose."

POINT OF INQUIRY

Senator Odegaard: "Mr. President, will Senator Guess yield? Senator Guess, in New Section, section 6, I could see why you would have in here 'as provided by the Constitution,' but I do not quite understand why it says 'or laws of this state,' because would not any law that we would have then would negate the purpose of section 6?"

Senator Guess: "Senator, we have not passed any laws. I do not have the bill in front of me. Will you read it?"

Senator Odegaard: "There shall be no action by the state, its political subdivisions, or any other person which in any way will obstruct or interfere with the rights of an individual or person to peacefully own, enjoy, develop or use his property except as provided by the Constitution or laws of this state."

Senator Guess: "Any specific laws?"

Senator Odegaard: "It just says 'or laws' and my question is, I do not quite understand the purpose of this section. I could see if you are trying to restate that we should follow the Constitution and not pass laws that might negate the Constitution in personal property rights, but if we allow laws to be passed to do that, then I do not quite understand the purpose of that."

Senator Guess: "Senator, it is to prevent any diminution of the use of the private property and it is to reaffirm the fact that we under the Constitution believe and have so stated that the individual has the right to use his personal property."

Senator Odegaard: "Senator Guess, what if we have laws on the books now that say otherwise? Then are you negating those laws?"

Senator Guess: "No, I am not negating those laws and if the law is there, and this is the right of eminent domain, for instance, those laws are not negated by this at all, as long as the person has the right of due process. This is a restatement of the fact."

Senator Odegaard: "Senator Guess, some people feel the Shorelines Management Act, for example, is unconstitutional in certain parts and also the Forest Practices Act, to name a couple. This wording then would not negate those two particular acts?"

Senator Guess: "No, it is not the intent to negate the acts."

MOTION

On motion of Senator Bottiger, the remarks by Senator Guess were ordered inserted in the Journal.

The motion by Senator Guess carried. Engrossed Substitute Senate Bill No. 2376 was advanced to third reading.

Further debate ensued.

POINT OF INQUIRY

Senator Bottiger: "Would Senator Clarke yield to a question? Senator Clarke, I do not know whether to disqualify myself on this vote because of a particular problem I have and I think it is going to turn on the answer to your question.

"I have a piece of property that I have currently applied for zoning on, a zoning change, and if the zoning change is denied, the piece of property is virtually worthless. It is on the side of a hill and I am asking to be able to build a condominium on that piece of property on a stairstep design into the side of the hill. If that application is denied, then as I understand your argument, there would be a taking because it has no other use. The property cannot be used for any other use and so I could then argue under this bill that there had been a taking and I should be compensated for the value of the property, since the city in this case will not let me use it for anything?"

Senator Clarke: "Senator, I think you have pointed out exactly what I was talking about as to the gray area. Now the determination of the point which you raise would have to do with the validity of the original zoning ordinance. Now if that was reasonable under the police power, so that it is in the public interest to zone it and maintain it in the area or category in which it is presently zoned, then I would say that it falls within the proper definition of zoning. If, however, as you have indicated, that zoning in reality does not further the public interest but simply renders the property unreasonably unusable insofar as you are concerned, then I think that is a taking and you have a right to insist upon compensation, and I think that this particular measure, if passed, would assist you in urging that the legislative intent was to protect private property owners. However, I would say that you still would have to establish the fact that the existing

zoning was not in the public interest to the extent that it was a valid exercise of the police power."

Further debate ensued.

REMARKS BY SENATOR BOTTIGER

Senator Bottiger: "Mr. President, accordingly, I would reveal that I have a contingency arrangement in which event that if the zoning application is approved by the city, then I would have a share in the corporation building the condominium. If it is not approved then an action would be brought contending that it was an unconstitutional taking and therefor I have a special interest and disqualify myself."

POINT OF INQUIRY

Senator Lewis (R. H. "Bob"): "Will Senator Rasmussen yield? Senator Rasmussen, did Chris Lockwood, a registered lobbyist for the Association of Washington Cities, appear before your committee to testify on this bill, do you recall? He is on the road. I do not know the answer. This is not a loaded question. He is on the road right now."

Senator Rasmussen: "I am trying to think who did appear there. The Association of Washington Businesses appeared there."

Senator Lewis (R. H. "Bob"): "But the Association of Washington Cities, you do not recall their being there?"

Senator Rasmussen: "I do not remember if they were present or not. Maybe some other member . . ."

Senator Lewis (R. H. "Bob"): "Thank you, Senator Rasmussen."

Senator Rasmussen: "There were a number of people in the audience but nobody signed up to speak."

Senator Lewis (R. H. "Bob"): "I see."

POINT OF INQUIRY

Senator Fleming: "Would Senator Rasmussen yield to a question? Senator Rasmussen, for my concern I am not wondering whether Chris Lockwood appeared before the committee. I am wondering, did we have a public hearing on this measure?"

Senator Rasmussen: "Yes. Senator Fleming, contrary to the way some people run their committees, all meetings of the State Government are public hearings and any person can sign up and speak. We try to run that in a democratic way. This question on Chris Lockwood, I do not even know Chris Lockwood, but he did not sign up on the sheet to speak and did not attempt—we always ask the question, Mr. President, even if they have not signed up, if there is anyone in the audience that wishes to speak either for or against the bill, whatever we are considering."

POINT OF INQUIRY

Senator Lewis (Harry): "Will Senator Rasmussen yield to another question? I am a little apprehensive about asking this but I will take my lumps. Did the Women's Council get a full hearing in your committee?"

Senator Rasmussen: "Senator Lewis, the Women's Council did not get as long a hearing as they would have desired. They did have, as I recall we were scheduling between the wine and the women, and we did not have any song legislation, but we gave both of them as much time as we could and when we arrive at the four o'clock hour Senator Day has a committee meeting, Senator Donohue has a committee meeting, Senator Walgren has a committee meeting, and trying to hold my committee members there after four o'clock is just like grasping at air. You cannot do it. They are very dedicated and they all hit for the other committee meetings to be there promptly. We would appreciate you joining State Government again, Senator."

MOTION

Senator Bluechel moved that Engrossed Substitute Senate Bill No. 2376 be referred to the Committee on Local Government.

Debate ensued.

The motion by Senator Bluechel failed.

The President declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 2376.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2376 and the bill failed to pass the Senate by the following vote: Yeas, 22; nays, 25; absent or not voting, 2.

Voting yea: Senators Beck, Benitz, Buffington, Clarke, Day, Donohue, Guess, Henry, Herr, Keefe, Lewis (Harry), Mardesich, Marsh, Matson, Morrison, Newschwander, Odegaard, Peterson, Pullen, Rasmussen, Sellar, Talley—22.

Voting nay: Senators Bailey, Bluechel, Cunningham, Fleming, Francis, Goltz, Gould, Grant, Jolly, Jones, Knoblauch, Lewis (R. H. "Bob"), McDermott, Murray, North, Ridder, Sandison, Scott, Stortini, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Woody—25.

Absent or not voting: Senators Bottiger, Wanamaker—2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2376, having failed to receive the constitutional majority, was declared lost.

NOTICE OF RECONSIDERATION

Having voted on the prevailing side, Senator Cunningham served notice that he would, on the next working day, move for reconsideration of the vote by which Engrossed Substitute Senate Bill No. 2376 failed to pass the Senate.

SECOND READING

SUBSTITUTE SENATE JOINT RESOLUTION NO. 114, by Committee on Constitution and Election (originally sponsored by Senators North, Beck and Gould:

Authorizing court supervised redistricting if the legislature fails to accomplish such tasks.

MOTION

On motion of Senator Mardesich, Substitute Senate Joint Resolution No. 114 was re-referred to the Committee on Rules.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of House Bill No. 171.

SECOND READING

HOUSE BILL NO. 171, by Representatives Hansen, Hayner and Clemente (by Department of Highways request):

Prescribing motor vehicle gross weight limits.

REPORT OF STANDING COMMITTEE

April 11, 1975.

HOUSE BILL NO. 171, prescribing motor vehicle gross weight limits (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 20, after "axle" and before "with" insert "*or in the case of a vehicle employing two single axles*"

On page 2, section 1, add the following sections:

"Sec. 2. Section 2, chapter 137, Laws of 1965 as last amended by section 3, chapter 1, Laws of 1973 1st ex. sess. and RCW 46.44.0941 are each amended to read as follows:

The following fees, in addition to the regular license and tonnage fees, shall be paid

for all movements under special permit made upon state highways. All funds collected shall be forwarded to the state treasury and shall be deposited in the motor vehicle funds:

All overlegal loads, except overweight, single trip	\$5.00
Continuous operation of overlegal loads having either overwidth or overheight features only for a period not to exceed thirty days	\$20.00
Continuous operations of overlegal loads having overlength only for a period not to exceed thirty days	\$10.00
Continuous operation of a vehicle having a maximum height not to exceed fourteen feet for a period of one year	\$150.00
Continuous operation of a combination of vehicles not to exceed [seventy-three] <i>seventy-five feet</i> overall length for a period of one year	\$60.00
<i>Continuous operation of overlegal loads having nonreducible features not to exceed eighty-five feet in length, fourteen feet in width, and fourteen feet in height for a period of one year</i>	<i>\$150.00</i>
Continuous operation of farm implements under a permit issued as authorized by RCW 46.44.140 by:	
(1) Farmers in the course of farming activities for any three-month period . . .	\$10.00
(2) Farmers in the course of farming activities for a period not to exceed one year	\$25.00
(3) Persons engaged in the business of the sale, repair or maintenance of such farm implements for any three-month period	\$25.00
(4) Persons engaged in the business of the sale, repair or maintenance of such farm implements for any period not to exceed one year	\$100.00

Overweight Fee Schedule

Weight over total registered gross weight plus additional gross weight purchased under provisions of RCW 46.44.095, 46.44.047, 46.44.037 as now or hereafter amended, or any other statute authorizing state highway commission to issue annual overweight permits.

	Fee Per Mile on State Highways
1- 5,999 pounds	\$.05
6,000-11,999 pounds	\$.10
12,000-17,999 pounds	\$.15
18,000-23,999 pounds	\$.25
24,000-29,999 pounds	\$.35
30,000-35,999 pounds	\$.45
36,000-41,999 pounds	\$.60
42,000-47,999 pounds	\$.75
48,000-53,999 pounds	\$.90
54,000-59,999 pounds	\$1.05
60,000-65,999 pounds	\$1.20
66,000-71,999 pounds	\$1.45
72,000-77,999 pounds	\$1.70
80,000 pounds or more	\$2.00

PROVIDED: (1) the minimum fee for any overweight permit shall be \$5.00, (2) when computing overweight fees which result in an amount less than even dollars the fee

shall be carried to the next full dollar if fifty cents or over and shall be reduced to the next full dollar if forty-nine cents or under.

Sec. 3. Section 1, chapter 1, Laws of 1973 1st ex. sess. and RCW 46.44.130 are each amended to read as follows:

The limitations of RCW 46.44.010, 46.44.020, *46.44.030*, and 46.44.040 shall not apply to the movement of farm implements of less than forty-five thousand pounds gross weight, *a total length of seventy feet or less*, and a total outside width of fourteen feet or less when being moved while patrolled, flagged, lighted, signed and at a time of day in accordance with rules hereby authorized to be adopted by the highway commission as authorized by this section or a term of this section is a misdemeanor.

NEW SECTION. Sec. 4. This 1973 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 July 1, 1975.

On page 1, line 3, after "RCW 46.44.091" and before the period insert "; amending section 2, chapter 137, Laws of 1965 as last amended by section 3, chapter 1, Laws of 1973 1st ex. sess. and RCW 46.44.0941; amending section 1, chapter 1, Laws of 1973 1st ex. sess. and RCW 46.44.130.

Signed by: Senators Henry, Vice Chairman; Beck, Bottiger, Guess, Jolly, Knoblauch, Sellar, Talley, Wanamaker.

The bill was read the second time by sections.

On motion of Senator Walgren, the committee amendment to page 1, line 20 was adopted.

Senator Walgren moved adoption of the committee amendment to page 2.

On motion of Senator Walgren, the following amendment to the committee amendment was adopted:

On line 28 of the committee amendment adding a new section 2, after "length" and before "for" insert "*which may contain a permanent structure vehicle not in excess of forty-seven feet*".

On motion of Senator Guess, the following amendment to the committee amendment was adopted:

After line 28 of the amendment, the last word of which is "\$60.00" insert:

"Continuous operation of a three-axle fixed load vehicle having less than 65,000 pounds gross weight for a period not to exceed thirty days \$50.00"

The motion by Senator Walgren carried and the committee amendment, as amended, was adopted.

On motion of Senator Walgren, the following amendment was adopted:

On page 2, line 27, after "limitations" and before the period insert "*and that such excess weights cannot be transported by rail or water for any substantial distance of the total mileage applied for*".

Senator Walgren moved adoption of the committee amendment to the title.

POINT OF INQUIRY

Senator Lewis (Harry): "Will Senator Walgren yield to a question? Senator Walgren, does this bill take care of the additional weight that was allowed, I believe, under federal law, that California now has in operation on the highways? It is my understanding that there has been a weight limit, an overall weight limit of some seventy-six thousand pounds and I believe it takes it up to eighty thousand. The reason I am asking that question, Senator Walgren, is that it is my understanding that Oregon is shortly going to act. Perhaps you know more about that than I do. California has already acted. If it is not included in this bill, I wonder, is it in other legislation that will be before us or should we include it in this legislation?"

Senator Walgren: "Senator Bottiger, who handled this particular matter in the committee, advises that it brings it into conformity with the federal law. That was your, I think, basic question. Yes."

Senator Guess: "May I add to that, the federal law was changed by the 1974 act and this will bring our state laws into conformance with the federal act in order that those loads which are in interstate over the highways can be taken off of the interstate system

and over the secondary road system in order to deliver those loads to the various warehouses not adjacent or not immediately on the freeway."

The motion by Senator Walgren carried and the committee amendment to the title was adopted.

On motion of Senator Walgren the rules were suspended, House Bill No. 171, 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. 171, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; nays, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—48.

Voting nay: Senator Francis—1.

HOUSE BILL NO. 171, 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 Ridder, Engrossed Senate Bill No. 2401 was ordered immediately transmitted to the House.

SECOND READING

SENATE BILL NO. 2108, by Senators Clarke, Francis and Jones (by Uniform Law Commission request):

Enacting the uniform foreign money-judgments recognition act.

REPORT OF STANDING COMMITTEE

April 22, 1975.

SENATE BILL NO. 2108, enacting the uniform foreign money-judgments recognition act (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, line 10, after "the" and before "on" strike "(cause of action) (claim for relief)" and insert "claim for relief" and on line 36 strike "(cause of action)"

On page 3, line 1, before "arising" strike "(claim for relief)" and insert "claim for relief" and on line 4, after "a" strike "(cause of action) (claim for relief)" and insert "claim for relief"

Signed by: Senators Francis, Chairman; Buffington, Clarke, Jones, Marsh, Woody.

The bill was read the second time by sections.

On motion of Senator Francis, the following amendment was adopted:

On page 3, line 22, after "shall" strike "take effect on July 1, 1975 and shall"

On motion of Senator Francis, the following amendment to the title was adopted:

On page 1, line 3 of the title, before "creating" insert "and" and after "Title 6 RCW" strike "; and providing an effective date".

On motion of Senator Francis the rules were suspended, Engrossed Senate Bill No. 2108 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. 2108, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—49.

ENGROSSED SENATE BILL NO. 2108, having received the 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. 158, by Representatives Curtis, Charette, Schumaker, Kilbury, Tilly, Paris, Haussler, Savage, Conner, Hayner, Amen, Patterson, Thompson and Bauer:

Authorizing second and third class school districts to provide housing for superintendents thereof and validating prior commitments therefor.

REPORT OF STANDING COMMITTEE

March 12, 1975.

ENGROSSED HOUSE BILL NO. 158, authorizing second and third class school districts to provide housing for superintendents thereof and validating prior commitments therefor (reported by Committee on Education):

RECOMMENDATION: Do pass with following amendments:

On page 1, section 1, line 9 of the engrossed and printed bill, after "district" and before "may" insert "with an enrollment of three hundred students or less"

On page 1, section 1, line 12 of the engrossed bill, being line 2 of the House Amendment by the Committee on Education on page 1, line 12, after "That" insert "any second or third class school district presently providing such housing may continue to provide the same: PROVIDED FURTHER, That"

Signed by: Senators Stortini, Chairman; Francis, Gould McDermott, Murray, Newschwander, von Reichbauer.

The bill was read the second time by sections.

On motion of Senator Stortini, the committee amendments were adopted.

On motion of Senator Sandison, the following amendment was adopted:

On page 1, following section 2, add a new section to read as follows:

"*NEW SECTION.* Sec. 3. No school director or officer of a second or third class school district shall be beneficially interested, directly or indirectly, in any contract which may be made, by, through or under the supervision of such officer, in whole or in part or which may be made for the benefit of his office, or accept, directly or indirectly any compensation, gratuity or reward in connection with such contract by or through any other person beneficially interested therein. This section shall not apply to the letting of any contract for the driving of a school bus in a second or third class school district provided the remuneration to the driver of such school bus shall not exceed thirty-six hundred dollars in any calendar year."

Renumber the following sections.

On motion of Senator Stortini the rules were suspended Engrossed House Bill No. 158, 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. 158, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; nays, 5.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Walgren, Wanamaker, Washington, Wilson—44.

Voting nay: Senators Mardesich, Marsh, Van Hollebeke, von Reichbauer, Woody—5.

ENGROSSED HOUSE BILL NO. 158, 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. 205, by Representatives Brown, Bauer and Erickson:

Redesignating intermediate school districts with their attendant boards and officials, as educational service districts.

The bill was read the second time by sections.

Senator Odegaard moved adoption of the following amendment by Senators Odegaard and Donohue:

On page 11, line 7, delete "The state board of education" and insert "[The state board of education] *The Washington state legislature*"

Debate ensued.

The motion by Senator Odegaard carried and the amendment was adopted.

On motion of Senator Odegaard, the following amendments by Senators Odegaard and Donohue were adopted:

On page 11, line 15, following "28A.21.010" strike the rest of the paragraph and insert: "[Prior to making any such changes, the state board shall hold at least one public hearing on such proposed action and shall consider any recommendations on such proposed action.]

On page 11, line 19, strike "The state board" and insert "[The state board] *The Washington state legislature*"

On page 107, line 33, strike all of section 156 and renumber the following section.

On motion of Senator Stortini the rules were suspended, Engrossed House Bill No. 205, 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. 205, 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 Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—47.

Voting nay: Senator Scott—1.

Absent or not voting: Senator Keefe—1.

ENGROSSED HOUSE BILL NO. 205, 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 fourth order of business.

MESSAGE FROM THE HOUSE

April 29, 1975.

Mr. President: The House has passed: ENGROSSED SUBSTITUTE SENATE BILL NO. 2125 with the following amendment:

On page 2, line 11, after "such." insert "*For the purposes of this section, "bed" shall mean that portion of a river or stream and the shorelands within the ordinary high water lines.*", and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

MOTION

On motion of Senator Peterson, the Senate concurred in the House amendment to Engrossed Substitute Senate Bill No. 2125.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2125, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 3.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—46.

Absent or not voting: Senators Donohue, Herr, Keefe—3.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2105, 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.

MESSAGE FROM THE HOUSE

April 30, 1975.

Mr. President: The House has passed: SUBSTITUTE SENATE BILL NO. 2507 with the following amendments:

On page 3, beginning on line 30, after "year." strike all material down to and including "ordinance.]" on page 4, line 1, and insert "]" The resident population of the annexed territory shall be determined by, or under the direction of, the mayor of the code city. Such population determination shall consist of an actual enumeration of the population which shall be made in accordance with practices and policies, and subject to the approval of the [board] office. The population shall be determined as of the effective date of annexation as specified in the relevant ordinance.", and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

MOTION

On motion of Senator Fleming, the Senate concurred in the House amendments to Substitute Senate Bill No. 2507.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2507, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry,

Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—49.

SUBSTITUTE SENATE BILL NO. 2507, 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.

MESSAGE FROM THE HOUSE

April 30, 1975.

Mr. President: The House has passed: ENGROSSED SENATE BILL NO. 2650 with the following amendments:

On page 1, beginning on line 2 of the title, after "RCW" insert a period and strike the remainder of the title

On page 1, line 7, after "county" insert "legislative authority"

On page 1, line 11 of the engrossed bill, being line 12 of the printed bill, strike "substantially"

On page 1, strike all of section 2, and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

MOTION

On motion of Senator Fleming, the Senate concurred in the House amendments to Engrossed Senate Bill No. 2650.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2650, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 49.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—49.

ENGROSSED SENATE BILL NO. 2650, 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.

MESSAGE FROM THE HOUSE

April 30, 1975.

Mr. President: The House refuses to concur in the Senate amendment to ENGROSSED HOUSE BILL NO. 278 and asks the Senate to recede therefrom, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Day, the Senate refused to recede from its amendment to Engrossed House Bill No. 278 and again asks the House to concur.

MOTION

On motion of Senator Mardesich, Senate Bill No. 2962 was ordered held on the Introduction and First Reading calendar for Wednesday, May 8, 1975.

MOTION

On motion of Senator Mardesich, Senate Resolution 1975-40, regarding the review of architects' practices, was referred to the Committee on Rules.

MOTION

At 12:45 p.m., on motion of Senator Mardesich, the Senate adjourned until 9:45 a.m., Friday, May 2, 1975.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

FIFTIETH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, May 2, 1975.

The Senate was called to order at 9:45 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senator Buffington. On motion of Senator Lewis (R. H. "Bob"), Senator Buffington was excused.

The Color Guard, consisting of Pages Denice Sargent and Robert Allenton, presented the Colors. Reverend Paul J. Beeman, pastor of First United Methodist Church of Olympia, offered the following prayer:

"O GOD, WE BRING TO YOU THE PERSONS THAT WE ARE INDIVIDUALLY, AND THE PERSONS WE ARE CORPORATELY AS THE SENATE. PERSONALLY WE ARE HUMAN, FALLIBLE, SOMETIMES FRIGHTENED, OFTEN INADEQUATE, BUT ALMOST ALWAYS APPRECIATIVE OF THE SENSATIONS AND FREEDOMS WHICH ARE A PART OF OUR HUMANITY. WE DO NOT APOLOGIZE OR SEEK FORGIVENESS FOR OUR HUMANITY. YET AS CHILDREN OF YOURS, WE DO SEEK TO BE MORE ADEQUATE IN THE FUTURE THAN WE HAVE BEEN IN THE PAST, AND WE PRAY FOR YOUR GUIDANCE AND YOUR EMPOWERMENT FOR US AS INDIVIDUALS FOR THIS DAY.

"AS A SENATE, OUR FATHER, WE ARE A SOCIAL AND POLITICAL UNIT, SEEKING TO ENACT LEGISLATION ADEQUATE TO THE NEEDS OF OUR PEOPLE. MORE IS EXPECTED OF US THAN WE CAN POSSIBLY DELIVER. BUT WE DO NOT ASK FORGIVENESS FOR THIS, EITHER. WE DO PRAY FOR ENLIGHTENMENT TODAY, FOR AN OPENNESS TO COMPROMISE, FOR AN ABILITY TO SEE ANOTHER'S POINT OF VIEW, AND AN UNCOMMON ABILITY TO LOOK BEYOND EITHER RED TAPE OR RIDI-

CULE. LET US SEE AS OUR GOAL THE GREATEST GOOD FOR THE GREATEST NUMBER, THEN LET THIS DAY BE A STEPPING STONE ALONG THE ROAD TOWARD THAT GOAL. WE OFFER THIS PRAYER IN THE NAME OF JESUS, THE PIONEER AND PERFECTER OF OUR FAITH. AMEN."

MOTION

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

REMARKS BY THE PRESIDENT

The President: "Ladies and gentlemen of the Senate and the ladies and gentlemen who are present in the Senate galleries, many of you will be saddened to learn about the passing last night of a former member of the Washington State Senate, the Honorable Doctor David C. Cowen. Davie was a Senator from the Seventh District of Spokane County and served six terms in the Senate from 1943 on through the 1965 Session. Prior to that he had served four terms in the House. Davie was a very beneficent and accomplished member of the Senate. He was a philanthropist for all of the adult years of his life, a civic leader in his home city of Spokane and Spokane County, a person who had made many wonderful contributions to the people of his district, his county, and the state. He was born in Portland in 1900 and was a graduate of the University of Oregon Dental School, a member of the Masons, the Elks, the Shrine, and the Moose. Davie settled in Spokane and I am sure those of you who served with Davie will recall the many kindnesses that he displayed, especially in behalf of the young pages, and there are many, many young people throughout the state who never would have received the benefits of a higher education if it had not been for Davie's generosity. The President would be more than happy if you would stand for a moment of reverent memory of Senator Dr. David C. Cowan."

REPORTS OF STANDING COMMITTEES

May 1, 1975.

ENGROSSED HOUSE BILL NO. 176, providing for public employee deferred compensation (reported by Committee on Financial Institutions):

MAJORITY recommendation: Do pass.

Signed by: Senators Woody, Chairman; Bluechel, Clarke, Herr.

Passed to Committee on Rules for second reading.

May 1, 1975.

HOUSE BILL NO. 267, pertaining to pollution control credits or exemptions (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Wilson, Second Vice Chairman; Clarke, Fleming, Jones, Lewis (Harry), Marsh, Murray, Rasmussen, Scott, Washington.

Passed to Committee on Rules for second reading.

May 1, 1975.

ENGROSSED HOUSE BILL NO. 388, permitting the sheriff to determine the method of serving papers (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Francis, Chairman; Buffington, Jones, Marsh, Scott, Woody.

Passed to Committee on Rules for second reading.

May 1, 1975.

HOUSE BILL NO. 806, prescribing a change in assessing inspection fees for winter sports activity conveyances (reported by Committee on Parks and Recreation):

Recommendation: Do pass.

Signed by: Senators Knoblauch, Chairman; Bailey, Gould, Odegaard, Wanamaker.
Passed to Committee on Rules for second reading.

May 2, 1975.

SUBSTITUTE HOUSE BILL NO. 1078, revising the forest practices act (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Peterson, Chairman; Beck, Lewis (Harry), Pullen, Rasmussen.
Passed to Committee on Rules for second reading.

MOTION

Senator Peterson moved that the rules be suspended and Substitute House Bill No. 1078 be advanced to second reading and held on the second reading calendar for today.

Debate ensued.

The motion by Senator Peterson carried and Substitute House Bill No. 1078 was placed on today's second reading calendar.

PARLIAMENTARY INQUIRY

Senator Washington: "What is the motion before the body?"

REPLY BY THE PRESIDENT

The President: "There is not any motion before the body at this time. Senator Peterson's motion was that the measure hold its place on the second reading calendar."

Senator Washington: "Which bill holds its place on the second reading?"

The President: "Substitute House Bill No. 1078.

Senator Washington: "I still do not understand what"

The President: "The bill was read in this morning, Senator Washington. Senator Peterson rose and offered the motion to suspend the rules and advance Substitute House Bill No. 1078 to second reading calendar."

Senator Washington: "I see. Without going to Rules?"

The President: "Without going to Rules, and now the measure is holding its place on second reading calendar until a future time."

MESSAGES FROM THE HOUSE

May 1, 1975.

Mr. President: The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 664,

HOUSE BILL NO. 683,

ENGROSSED HOUSE BILL NO. 687,

HOUSE BILL NO. 695,

HOUSE BILL NO. 752,

SUBSTITUTE HOUSE BILL NO. 780,

HOUSE BILL NO. 796,

ENGROSSED SUBSTITUTE HOUSE BILL NO. 818,

ENGROSSED HOUSE BILL NO. 825,

SUBSTITUTE HOUSE BILL NO. 975,

ENGROSSED HOUSE BILL NO. 1035,

SUBSTITUTE HOUSE BILL NO. 1141,

ENGROSSED HOUSE BILL NO. 1148, and the same are herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

May 1, 1975.

Mr. President: The House has passed:

SUBSTITUTE HOUSE BILL NO. 75,

ENGROSSED HOUSE BILL NO. 154,

ENGROSSED HOUSE BILL NO. 209,
 SUBSTITUTE HOUSE BILL NO. 247,
 SUBSTITUTE HOUSE BILL NO. 296,
 SUBSTITUTE HOUSE BILL NO. 325,
 SUBSTITUTE HOUSE BILL NO. 409,
 ENGROSSED HOUSE BILL NO. 423,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 435,
 SUBSTITUTE HOUSE BILL NO. 494,
 HOUSE BILL NO. 521,
 ENGROSSED HOUSE BILL NO. 526,
 ENGROSSED HOUSE BILL NO. 575,
 ENGROSSED HOUSE BILL NO. 612, and the same are herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

May 1, 1975.

Mr. President: The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1204,
 HOUSE JOINT MEMORIAL NO. 19, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

May 1, 1975.

Mr. President: The House has adopted HOUSE CONCURRENT RESOLUTION NO. 22, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

May 1, 1975.

Mr. President: The House has passed SUBSTITUTE SENATE BILL NO. 2183, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

May 1, 1975.

Mr. President: The Speaker has signed:

SENATE BILL NO. 2300,
 SENATE BILL NO. 2647,
 SENATE BILL NO. 2892, and the same are herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

May 1, 1975.

Mr. President: The Speaker has signed SENATE BILL NO. 2074, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MESSAGE FROM THE HOUSE

May 1, 1975.

Mr. President: The House stands on its previous position and refuses to concur in the Senate amendment to HOUSE BILL NO. 385, and asks the Senate for a Conference thereon, and the Speaker has appointed as the House conferees on House Bill No. 385: Representatives Amen, Hansen and Kilbury, and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

MOTION

On motion of Senator Jolly, the Senate refused to recede from the Senate amendment to House Bill No. 385, and granted the request of the House for a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on House Bill No. 385 and the Senate amendment thereto: Senators Jolly, Benitz and Wilson.

MOTION

On motion of Senator Bailey, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

May 1, 1975.

Mr. President: The House has passed SENATE JOINT MEMORIAL NO. 110, with the following amendment:

On page 1, line 30, after "exempt" strike "duck" and insert "migratory waterfowl", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

Senator Sandison moved that the Senate do concur in the House amendment to Senate Joint Memorial No. 110.

POINT OF INQUIRY

Senator Francis: "Mr. President, would Senator Sandison yield? Senator Sandison, I am looking at this memorial and I remember, you know, I think we all try to be good environmentalists and there were a lot of reasons explained to us why the duck hunting needed to be out from under the federal Environmental Policy Act. Now I am just wondering, if we change it to waterfowl, does that include things like sea gulls and other waterfowl, and if so, should not they be protected by the federal Environmental Policy Act?"

Senator Sandison: "Senator Francis, I agree it enlarged the scope a great deal. However, I could not see the efficacy of going into a conference committee over a memorial. What they did was enlarge it to sea gulls, but fortunately there are laws against shooting sea gulls. Actually, what it did was extend it to such other birds as geese, sora, rail and some others, snipe, that are on the East Coast mostly. I did not see that it was that important to battle with them over."

The motion by Senator Sandison carried and the Senate concurred in the House amendment to Senate Joint Memorial No. 110.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 110, as amended by the House, and the memorial passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Clarke, Cunningham, Day, Donohue, Fleming, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—47.

Voting nay: Senator Francis—1.

Excused: Senator Buffington—1.

SENATE JOINT MEMORIAL NO. 110, as amended by the House, having received the constitutional majority, was declared passed.

INTRODUCTION AND FIRST READING

SUBSTITUTE HOUSE BILL NO. 75, by Committee on Constitution and Elections (originally sponsored by Representatives King, Chandler, Fortson and Lysen):

Making changes in the laws relating to voter registration.
Referred to Committee on Constitution and Elections.

ENGROSSED HOUSE BILL NO. 154, by Representative Nelson:
Revising regulations on charitable solicitation.
Referred to Committee on Commerce.

MOTIONS

On motion of Senator Francis, the Committee on Commerce was relieved from consideration of Engrossed House Bill No. 154.

On motion of Senator Francis, Engrossed House Bill No. 154 was referred to the Judiciary Committee.

INTRODUCTION AND FIRST READING

ENGROSSED HOUSE BILL NO. 209, by Representatives Martinis and Wilson:
Authorizing signs on school bus stop shelters.
Referred to Committee on Transportation and Utilities.

SUBSTITUTE HOUSE BILL NO. 247, by Judiciary Committee (originally sponsored by Representatives Thompson, Hayner, Adams, Eikenberry, Erickson, Newhouse, Haley, Bond, Matthews and Paris):

Limiting period during which medical malpractice actions can be brought to six years.

Referred to Judiciary Committee.

SUBSTITUTE HOUSE BILL NO. 296, by Committee on Social and Health Services (originally sponsored by Representative Sommers) (by Department of Social and Health Services request):

Increasing petty cash account limit.

Referred to Committee on Social and Health Services.

SUBSTITUTE HOUSE BILL NO. 325, by Committee on Commerce (originally sponsored by Representatives O'Brien, Bausch and Warnke):

Licensing and regulating massage therapists.

Referred to Committee on Commerce.

SUBSTITUTE HOUSE BILL NO. 409, by Committee on Commerce (originally sponsored by Representatives Barnes, Hansen, Haussler and Curtis):

Classifying electrician licenses as general and specialty.

Referred to Committee on Commerce.

ENGROSSED HOUSE BILL NO. 423, by Representatives Laughlin, Bagnariol, Flanagan, Schumaker, Fortson and O'Brien:

Requiring that notice of a correction made to assessment of property be mailed by the assessor to the taxpayer by certified rather than registered mail.

Referred to Committee on Local Government.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 435, by Committee on Transportation and Utilities (originally sponsored by Representatives McCormick, Martinis, Newhouse, Zimmerman and Gallagher):

Revising law relating to rate setting and financing of public service companies.

Referred to Committee on Transportation and Utilities.

SUBSTITUTE HOUSE BILL NO. 494, by Committee on Education (originally sponsored by Representatives Warnke, Bausch, O'Brien and Bauer):

Setting out standards for administration of medication to common school pupils and providing superintendent of public instruction recommended ratio of pupils to registered full-time school nurse.

Referred to Committee on Education.

HOUSE BILL NO. 521, by Representatives Charnley, Eikenberry, Wojahn, Sommers, Haley, Hendricks, Knowles, Kilbury, Hurley (George) and Cochrane:

Making housing cooperative units eligible for the retired persons' property tax exemption.

Referred to Committee on Ways and Means.

ENGROSSED HOUSE BILL NO. 526, by Representatives Fortson, Brown and McKibbin (by Superintendent of Public Instruction request):

Giving added responsibility and authority to intermediate school districts.

Referred to Committee on Education.

ENGROSSED HOUSE BILL NO. 575, by Representatives Wojahn, Curtis and Warnke:

Permitting embargo of hazardous household substances.

Referred to Committee on Commerce.

ENGROSSED HOUSE BILL NO. 612, by Representatives Gallagher, Deccio and Wojahn:

Revising laws relating to accountants.

Referred to Committee on Commerce.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 664, by Committee on Transportation and Utilities (originally sponsored by Representatives Bauer, Sommers, Nelson, Douthwaite, Thompson, McCormick, Valle, McKibbin, Laughlin and Zimmerman):

Establishing minimum thermal insulation standards.

Referred to Committee on Transportation and Utilities.

HOUSE BILL NO. 683, by Representatives Ceccarelli, Pardini and Chatalas:

Providing new regulations for banks and banking relating to illegal or unsound practices.

Referred to Committee on Financial Institutions.

ENGROSSED HOUSE BILL NO. 687, by Representatives Hansen, Flanagan, Bauer, Kilbury and Lysen:

Providing for exemption of irrigation equipment from sales and use tax.

Referred to Committee on Agriculture.

HOUSE BILL NO. 695, by Representatives Smith (Rick), Eikenberry, Charette, Newhouse and Hayner:

Clarifying filing and service requirements for enforcing liens.

Referred to Judiciary Committee.

HOUSE BILL NO. 752, by Representatives Clemente and Hendricks:

Reaffirming permissible expenses school districts may expend preliminary to finalizing of budgets.

Referred to Committee on Education.

SUBSTITUTE HOUSE BILL NO. 780, by Committee on Social and Health Services (originally sponsored by Representatives Fischer and Wojahn):

Establishing sickle cell disease testing and counseling program in the department of health.

Referred to Committee on Social and Health Services.

HOUSE BILL NO. 796, by Representatives Thompson and Hayner:

Providing for transfer of rental deposit with change of landlords.

Referred to Judiciary Committee.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 818, by Committee on Transportation and Utilities (originally sponsored by Representatives Thompson, Berentson and Conner):

Providing regulations on removal of motor vehicles from private property.

Referred to Committee on Transportation and Utilities.

ENGROSSED HOUSE BILL NO. 825, by Representatives Bauer, McKibbin and Blair:

Changing amount authorized as deferred compensation for school employees.

Referred to Committee on Education.

SUBSTITUTE HOUSE BILL NO. 975, by Committee on Education (originally sponsored by Representative McKibbin):

Requiring notice of nonrenewal of teacher's supplemental contract.

Referred to Committee on Education.

ENGROSSED HOUSE BILL NO. 1035, by Representatives Kilbury, Savage, Charnley and Hawkins:

Removing nonapplication of environmental impact report to thermal power plant sites.

Referred to Committee on Transportation and Utilities.

SUBSTITUTE HOUSE BILL NO. 1141, by Committee on Transportation and Utilities (originally sponsored by Representatives Gaines, Parker, Martinis, Sherman, North, Patterson, Dunlap, Freeman, Gilleland and Polk):

Providing for expedited decision regarding construction of highway between Bellevue and Seattle.

Referred to Committee on Transportation and Utilities.

ENGROSSED HOUSE BILL NO. 1148, by Representatives Erickson, Eikenberry and Williams:

Requiring property tax exemption applications every four years.

Referred to Committee on Ways and Means.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1204, by Committee on Agriculture (originally sponsored by Representatives Becker, Kilbury, Zimmerman and Tilly):

Relating to artificial honey products.

Referred to Committee on Agriculture.

HOUSE JOINT MEMORIAL NO. 19, by Representatives Fortson, Perry, Hansey, North, Hansen, Martinis and Ceccarelli:

Memorializing the President and Congress not to change the line of demarcation for inland waters.

Referred to Committee on Transportation and Utilities.

HOUSE CONCURRENT RESOLUTION NO. 22, by Representatives Hansey and Berentson:

Proposing coordinated traffic safety efforts.
 Referred to Committee on Transportation and Utilities.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of Substitute House Bill No. 177.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 177, by Committee on Transportation and Utilities (originally sponsored by Representatives Leckenby, Hansen and McCormick) (by Office of Program Planning and Fiscal Management request):

Making changes in laws relating to all-terrain vehicles.

The bill was read the second time by sections.

On motion of Senator Bottiger, the rules were suspended, Substitute House Bill No. 177 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Francis: "Will Senator Walgren yield? Senator Walgren, what percentage of the gasoline tax monies go to the construction of bikeways, and is there any likelihood of an increase in that this session?"

Senator Walgren: "One-half of one percent, I am advised. We, as you know, Senator Francis, have probably devoted more time this session than I think any one that I remember towards developing the bicycle as an alternative means of transportation in this state, and as you are well aware, not only from the conversations that you and I have had personally, but from the bills that have been out here, we are directing a very strong focus of attention upon the bicycle. We do have some measures with regard to increasing that percentage amount as far as bikeways are concerned that have not yet moved out of committee but are still seriously under consideration."

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Will Senator Bottiger yield to a question? Senator Bottiger, most of these bicyclists I see have racks on their cars to take them up to the place where they want to bicycle. After they get there, are they permitted to use these all terrain roads with their bicycles?"

Senator Bottiger: "I would presume so. The roads are on the Department of Natural Resources land, on some county land, in some cases they have actually purchased land for this purpose out of these funds. In other cases, they just do some brush cutting. I know of no reason why a hiker or a bicyclist or a horseback rider could not use the trail. Maybe somebody else on the committee may know more about it, but I doubt if a ten speed bicycle would want to use one of these dirt back roads. They are trails, Senator Rasmussen, not asphalt roads."

Senator Rasmussen: "I see."

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 177, and the bill passed the Senate by the following vote: Yeas, 40; nays, 7; absent or not voting, 1; excused, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Clarke, Cunningham, Day, Donohue, Fleming, Gould, Grant, Guess, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Morrison, Murray, Newschwander, North, Odegaard, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Walgren, Wanamaker, Washington, Woody—40.

Voting nay: Senators Francis, Goltz, McDermott, Peterson, Van Hollebeke, von Reichbauer, Wilson—7.

Absent or not voting: Senator Henry—1.

Excused: Senator Buffington—1.

SUBSTITUTE HOUSE BILL NO. 177, having received the 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. 2574, by Senator Peterson:
Relating to food fish and shellfish.

MOTIONS

On motion of Senator Peterson, Substitute Senate Bill No. 2574 was substituted for Senate Bill No. 2574, and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Bailey, Substitute Senate Bill No. 2574 was ordered to hold its place on the second reading calendar for Monday, May 5, 1975.

SECOND READING

ENGROSSED HOUSE BILL NO. 102, by Representatives Chatalas, Curtis, Shinpoch, Polk, Bagnariol, Flanagan, North and Randall (by Legislative Budget Committee request):

Reconstituting purchasing and material control in state government.

The bill was read the second time by sections.

Senator Lewis (Harry) moved adoption of the following amendment:

On page 9, line 36, of both the engrossed and printed bill, after "dollars" insert : *PROVIDED, That the state director of general administration shall establish procedures to assure that purchases made by or on behalf of the various state agencies shall not be made so as to avoid the twenty-five hundred dollar bid limitation*", and after "*PROVIDED*" insert "*FURTHER*".

POINT OF INQUIRY

Senator Guess: "Would Senator Lewis yield? Senator Lewis, I just wondered if this amendment would limit the ability of these agencies to buy something in the local area and then come over here and decide that they did not get enough of the material they wanted the first time because of a limit locally, and then be able to pick up twenty-five hundred dollars worth of materials from the state at the same time, and I wonder what effect this amendment will have on the local stores? You see, normally now they would stay at home and do all their work, buy all their purchases at home. Would this enable them, or keep them from going twenty-five hundred over here and then twenty-five hundred at home?"

Senator Lewis (Harry): "Senator Guess, for the record and to be perfectly clear what the intent of the amendment is, the intent of the amendment is to eliminate stacking. The intent of the amendment is not to prohibit other normal procedures but to permit, for example, if we have a limit, to go just below the limit in purchasing to avoid a bid procedure. Then the following week again purchase an amount just below the bid procedure, the bid level. This would be the purpose of the amendment, to avoid that situation. This has been done, for example, I am aware in the past where an office has been required at a five hundred dollar level to go to bid, and where they have gone to retail stores in Olympia and purchased three hundred dollars worth of carpeting in one month. The following month they would buy a chair for two hundred and fifty dollars. The following month they would buy a desk for three hundred and fifty dollars. The total of the refurbishing of that office which would be over the five hundred dollar limit which was in effect and would have required a bid. This is the purpose of the amendment, to prohibit them from doing that and to provide that the director shall establish procedure to assure that that stacking procedure shall not continue or occur again."

The motion by Senator Lewis (Harry) carried and the amendment was adopted.

MOTION

On motion of Senator Rasmussen, Engrossed House Bill No. 102, as amended by Senator Lewis (Harry), was ordered placed on today's second reading calendar following consideration of Engrossed House Bill No. 675.

SECOND READING

HOUSE BILL NO. 104, by Representatives Shinpoch, Curtis, Bagnariol, Polk, Amen, Flanagan, North and Randall (by Legislative Budget Committee request):

Restricting the power of state agencies to provide cars to employees.

The bill was read the second time by sections.

On motion of Senator Rasmussen, 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 Wilson: "Will Senator Rasmussen yield? Apparently there exists a practice in the state whereby, at least under some circumstances, state patrolmen are permitted to drive their official vehicles home, not only in hopes that the parking of the cars there might serve as a deterrent in the neighborhood, but also so that their patrol cars would be immediately available in the case of an emergency. Would this bill interfere with that activity to any extent?"

Senator Rasmussen: "No, it will not. That is covered in another bill."

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, 48; excused, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—48.

Excused: Senator Buffington—1.

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.

SECOND READING

ENGROSSED HOUSE BILL NO. 310, by Representatives Chatalas, Curtis, Shinpoch and Polk (by Legislative Budget Committee request):

Prescribing allocation of revenue from test fishing operation.

REPORT OF STANDING COMMITTEE

March 27, 1975.

ENGROSSED HOUSE BILL NO. 310, prescribing allocation of revenue from test fishing operations (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, line 29, beginning with "*Proceeds*" strike the remainder of the bill and insert "*Proceeds of all sales of salmon and all sales of salmon eggs by the department, to the extent these proceeds may exceed estimates in the budget as approved by the legislature, may be allocated by the office of program planning and fiscal management as unanticipated receipts under such procedures as the legislature may adopt for the allocation of such receipts.*"

Such allocations shall be made only for the purpose of meeting department obligations in regards to hatchery operations partially or wholly financed by sources other than state general revenues or for purposes of processing human consumable salmon for disposal as may be provided by law."

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Wilson, Second Vice Chairman; Bailey, Clarke, Jones, Lewis (Harry), Mardesich, Murray, Rasmussen, Washington, Woody.

The bill was read the second time by sections.

Senator Donohue moved adoption of the committee amendment.

POINT OF INQUIRY

Senator Peterson: "Would Senator Donohue yield? Senator Donohue, for the record, this bill did not go through the Natural Resources Committee; however, a few years back we did pass a measure here that would direct the proceeds of the sale of surplus salmon and surplus eggs that would be reverted back to the department for enhancement and propagation. Now does this measure reflect in any manner that they are not going to get this money back in the propagation program or enhancement?"

Senator Donohue: "No, Senator. The only thing that this bill does is mandate that those dollars that you are referring to be appropriated and they must be used for fish enhancement and back to the hatchery."

Senator Peterson: "Thank you."

The motion by Senator Donohue carried and the amendment was adopted.

On motion of Senator Donohue, the rules were suspended, Engrossed House Bill No. 310, 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. 310, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 48; excused, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—48.

Excused: Senator Buffington—1.

ENGROSSED HOUSE BILL NO. 310, 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. 172, by Representatives Bagnariol, Curtis, Shinpoch and Polk (by Legislative Budget Committee request):
Standardizing the marking of public vehicles.

REPORT OF STANDING COMMITTEE

April 16, 1975.

ENGROSSED HOUSE BILL NO. 172, standardizing the marking of public vehicles (reported by Committee on State Government):

MAJORITY recommendation: Do pass with the following amendments:

Strike all material after the enacting clause and insert the following:

"Section 1. Section 46.08.065, chapter 12, Laws of 1961 and RCW 46.08.065 are each amended to read as follows:

(1) It shall be unlawful for any public officer having charge of any vehicle *other*

than a motorcycle owned [by the state of Washington] or controlled by any county, city, town, or [other] public body in this state other than the state of Washington and used in public business to operate the same upon the public highways of this state unless and until there shall be [painted] displayed upon such automobile or other motor vehicle in letters of contrasting color not less than [two] one and one-quarter inches in height in a conspicuous place on the right and left sides thereof, [the words "State of Washington" or] the name of such county, city, town, or other public body, together with the name of the department or office upon the business of which the said vehicle is used [: PROVIDED, That]. This section shall not apply to vehicles of [the Washington state patrol,] a sheriff's office, local police department, or any vehicles used by local peace officers under public authority for special undercover or [general] confidential investigative purposes[: PROVIDED FURTHER, That]. This subsection shall not apply to: (a) Any municipal transit vehicle operated for purposes of providing public mass transportation: nor to (b) any motor vehicle on loan to a school district for driver training purposes. It shall be lawful and constitute compliance with the provisions of this section, however, for [any department or office] the governing body of the appropriate county, city, town, or public body other than the state of Washington or its agencies to adopt and use [in lieu of the lettering required] a distinctive insignia [, approved by the state commission on equipment, and bearing substantially the same information as required herein] which shall be not less than six inches in diameter across its smallest dimension and which shall be displayed conspicuously on the right and left sides of the vehicle. Such insignia shall be in a color or colors contrasting with the vehicle to which applied for maximum visibility. The name of the public body owning or operating the vehicle shall also be included as part of or displayed above such approved insignia in colors contrasting with the vehicle in letters not less than one and one-quarter inches in height. Immediately below the lettering identifying the public entity and agency operating the vehicle or below an approved insignia shall appear the words "for official use only" in letters at least one inch high in a color contrasting with the color of the vehicle. The appropriate governing body may provide by rule or ordinance for exceptions to the marking requirements for local governmental agencies for the same purposes and under the same circumstances as permitted for state agencies under subsections (4) and (5) of this section.

(2) Except as provided by subsections (3), (4), or (5) of this section, every state office, agency, commission, department, or institution financed in whole or in part from funds appropriated by the legislature shall plainly and conspicuously mark the right and left front doors of each motor vehicle other than a motorcycle under its ownership or control which is used on any public road or street with the name of the operating department, agency, or institution (or the words "state motor pool" as appropriate) in letters at least one and one-quarter inches high of a color contrasting with the color of the vehicle. Immediately below such lettering and also in a contrasting color shall appear the official seal of the state of Washington, the size of which shall be not less than six inches in diameter. Immediately below the official seal, or insignia if authorized under subsection (3) of this section, shall appear the words "for official use only" in letters at least one inch high in a color contrasting with the color of the vehicle.

(3) The department of general administration, with the consent of the automotive policy board, may approve the use of a distinctive departmental, office, agency, institutional, or commission insignia in lieu of the state seal required under subsection (2) of this section. Such insignia, if approved, shall be in a color or colors contrasting with the vehicle to which applied and shall be not less than six inches in diameter or across its smallest dimension. The words "State of Washington" shall be included as part of or displayed above such approved insignia in a color contrasting with the vehicle in letters not less than one and one-quarter inches in height.

(4) Any distinctive departmental, office, agency, institutional, or commission insignia approved for marking of state vehicles by the state commission on equipment on or before January 1, 1975, shall be approved for continued use if it conforms to the standards imposed by subsections (2) and (3) of this section.

(5) Subsections (2) and (3) of this section shall not apply to vehicles used by the

Washington state patrol for general undercover or confidential investigative purposes. Traffic control vehicles of the Washington state patrol may be exempted from the requirements of subsections (2) and (3) of this section at the discretion of the chief of the Washington state patrol. The department of general administration, with the consent of the automotive policy board, shall promulgate general rules and regulations permitting other exceptions to the requirements of subsections (2) and (3) of this section for other vehicles used for law enforcement, confidential public health work, and public assistance fraud or support investigative purposes, for vehicles leased or rented by the state on a casual basis for a period of less than ninety days, and those provided for in section 2(3) of this 1975 amendatory act. The exceptions in this subsection and those provided for in section 2(3) of this 1975 amendatory act shall be the only exceptions permitted to the requirements of subsections (2) and (3) of this section.

(6) Any motorcycle owned or controlled by the state of Washington or by any county, city, town, or other public body in this state and used for public purposes on the public highways of this state shall be conspicuously marked in letters of a contrasting color with the words "State of Washington" or the name of such county, city, town, or other public body, together with the name of the department or office upon the business of which the motorcycle is used.

(7) All motor vehicle markings required under the terms of this chapter shall be maintained in a legible condition at all times.

NEW SECTION. Sec. 2. There is added to chapter 12, Laws of 1961 and to chapter 46.08 RCW a new section to read as follows:

(1) Except as provided in subsection (3) of this section, the department of motor vehicles is authorized to issue confidential motor vehicle license plates to units of local government and to agencies of the federal government for law enforcement purposes only.

(2) Except as provided in subsections (3) and (4) of this section the use of confidential plates on vehicles owned or operated by the state of Washington by any officer or employee thereof, shall be limited to confidential, investigative, or undercover work of state law enforcement agencies, confidential public health work, and confidential public assistance fraud or support investigations.

(3) Any state official elected on a state-wide basis, shall be provided on request with one set of confidential plates for use on official business. When necessary for the personal security of any state official, other public officer, or public employee, the chief of the Washington state patrol may recommend that the director issue confidential plates for use on an unmarked publicly owned or controlled vehicle of the appropriate governmental unit for the conduct of official business for the period of time that the personal security of such state official, public officer, or other public employee may require. The office of the state treasurer may use an unmarked state owned or controlled vehicle with confidential plates where required for the safe transportation of either state funds or negotiable securities to or from the office of the state treasurer.

(4) The director of the department of motor vehicles, with the approval of the automotive policy board established pursuant to section 6, chapter . . . (HB 105), Laws of 1975 1st ex. sess., may issue rules and regulations governing applications for, and the use of, such plates by law enforcement and other public agencies. The legislative auditor shall periodically examine or require filing of a current listing of the total number of such plates issued to any law enforcement or other public agency. Reports on the utilization of such plates shall be submitted to the legislative budget committee and to the legislature.

NEW SECTION. Sec. 3. There is added to chapter 12, Laws of 1961 and to chapter 46.08 RCW a new section to read as follows:

A violation of any provision of RCW 46.08.065 as now or hereafter amended or of section 2 of this 1975 amendatory act shall subject the public officer or employee committing such violation to disciplinary action by the appropriate appointing authority or employing agency. Such disciplinary action may include, but shall not be limited to, suspension without pay or termination of employment in the case of repeated or continuing noncompliance.

NEW SECTION. Sec. 4. There is added to chapter 12, Laws of 1961 and to chapter 46.08 RCW a new section to read as follows:

Any vehicle properly marked pursuant to statutory requirements in effect prior to the effective date of this 1975 amendatory act, need not be remarked to conform to the requirements of sections 1, 2, and 3 of this 1975 amendatory act until July 1, 1977.

Sec. 5. Section 46.16.020, chapter 12, Laws of 1961 as last amended by section 22, chapter 132, Laws of 1973 1st ex. sess. and RCW 46.16.020 are each amended to read as follows:

Any vehicle owned, rented, or leased by the state of Washington, or by any county, city, town, school district, or other political subdivision of the state of Washington and used exclusively by them, and all vehicles owned or leased with an option to purchase by the United States government, or by the government of foreign countries, or by international bodies to which the United States government is a signatory by treaty, and used exclusively in its or their service shall be exempt from the payment of license fees for the licensing thereof as in this chapter provided: PROVIDED, HOWEVER, That such vehicles, except those owned and used exclusively by the United States government and which are identified by clearly exhibited registration numbers or license plates assigned by an instrumentality of that government, shall be registered as prescribed for the license registration of other vehicles and shall display [upon the vehicles] the vehicle license number plates assigned [by the director and except in cases of a foreign government or international body shall pay for such number plates a fee of one dollar] *to it. The department shall assign a plate or plates to each vehicle or may assign a block of plates to an agency or political subdivision for further assignment by the agency or political subdivision to individual vehicles registered to it pursuant to this section. The agency or political subdivision, except a foreign government or international body, shall pay a fee of two dollars for the plate or plates for each vehicle:* PROVIDED, FURTHER, That no vehicle license or license number plates shall be issued to any such vehicle under the provisions of this section for the transportation of school children unless and until such vehicle shall have been first personally inspected by the director or his duly authorized representative.

Sec. 6. Section 46.16.210, chapter 12, Laws of 1961 as amended by section 1, chapter 75, Laws of 1969 ex. sess. and RCW 46.16.210 are each amended to read as follows:

(1) Upon receipt of the application and proper fee for original vehicle license, the director shall make a recheck of the application and in the event that there is any error in the application it may be returned to the county auditor or other agent to effectively secure the correction of such error, who shall return the same corrected to the director.

(2) Application for the renewal of a vehicle license shall be made to the director or his agents, including county auditors, by the registered owner on a form prescribed by the director. The application must be accompanied by the certificate of registration for the last registration period in which the vehicle was registered in Washington unless the applicant submits a preprinted application mailed from Olympia, and the payment of such license fees and excise tax as may be required by law. Such application shall be handled in the same manner and the fees transmitted to the state treasurer in the same manner as in the case of an original application. Any such application which upon validation becomes a renewal certificate need not have entered upon it the name of the lien holder, if any, of the vehicle concerned.

(3) Persons expecting to be out of the state during the period from January 1st through February 1st may, not earlier than December 1st, but prior to January 1st, secure renewal of a vehicle license and have license plates or tabs preissued by making application to the director or his agents upon forms prescribed by the director. The application must be accompanied by the certificate of registration for the last registration period in which the vehicle was registered in Washington and be accompanied by such license fees, including a special handling fee of one dollar; fifty cents to be retained by the issuing agency, and fifty cents to be deposited in the highway safety fund, and excise tax as may be required by law.

(4) *Application for the annual renewal of a vehicle license number plate to the*

director or his agents shall not be required for those vehicles owned, rented, or leased by the state of Washington, or by any county, city, town, school district, or other political subdivision of the state of Washington.

Sec. 7. Section 46.16.270, chapter 12, Laws of 1961 as amended by section 1, chapter 78, Laws of 1965 ex. sess. and RCW 46.16.270 are each amended to read as follows:

Upon the loss, defacement, or destruction of one or both of the vehicle license number plates issued for any vehicle where more than one plate was originally issued or where one or both have become so illegible or in such a condition as to be difficult to distinguish, the owner of the vehicle shall make application for new vehicle license number plates upon a form furnished by the director, upon which form it shall be required that the owner, in addition to other requirements, make a complete statement as to the cause of the loss, defacement, or destruction of the original plate or plates, which statement shall be subscribed and sworn to before a notary public or other person authorized to certify to statements upon vehicle license applications. Such application shall be filed with the director or his authorized agent, accompanied by the certificate of license registration of the vehicle and a fee in the amount of four dollars, whereupon the director, or his authorized agent, shall issue new vehicle license number plates to the applicant. It shall be accompanied by a fee of two dollars for a new vehicle license number plate where only one was originally issued and one dollar for a new motorcycle license number plate. In the event the director has issued license period tabs or a windshield emblem instead of vehicle license number plates, and upon the loss, defacement or destruction of said tabs or windshield emblem, application shall be made on a form provided by the director and in the same manner as above described, and shall be accompanied by a fee of one dollar for each pair of tabs or for each windshield emblem, whereupon the director shall issue to the applicant a duplicate pair of tabs or a windshield emblem to replace those lost, defaced or destroyed: *PROVIDED, That for those vehicles owned, rented, or leased by the state of Washington or by any county, city, town, school district, or other political subdivision of the state of Washington or United States government, a fee shall be charged for replacement of a vehicle license number plate only to the extent required by the provisions of RCW 46.16.020, 46.16.061, 46.16.237, and 46.01.140: PROVIDED FURTHER, That for those vehicles owned, rented, or leased by foreign countries or international bodies to which the United States government is a signatory by treaty, the payment of any fee for the replacement of a vehicle license number plate shall not be required.*"

In line 2 of the title, after "46.08.065;" and before "adding" insert "amending section 46.16.020, chapter 12, Laws of 1961 as last amended by section 22, chapter 132, Laws of 1973 1st ex. sess. and RCW 46.16.020; amending section 46.16.210, chapter 12, Laws of 1961 as amended by section 1, chapter 75, Laws of 1969 ex. sess. and RCW 46.16.210; amending section 46.16.270, chapter 12, Laws of 1961 as amended by section 1, chapter 78, Laws of 1965 ex. sess. and RCW 46.16.270;"

Signed by: Senators Rasmussen, Chairman; Buffington, Day, Henry, Knoblauch, Wanamaker.

The bill was read the second time by sections.

Senator Rasmussen moved adoption of the committee amendment.

POINT OF INQUIRY

Senator Talley: "Will Senator Rasmussen yield? It says 'excluding vehicles used by law enforcement authorities for prescribed undercover or special investigative purposes.' In other words, they could not use unmarked cars then just for general patrol work?"

Senator Rasmussen: "They can use unmarked cars, yes. They are what you call undercover plates. They are regular plates that are issued and they do not have the Washington State Patrol on them, but this extends to any department that needs the use of confidential plates and it will not be identified as a state car by the sign on the side."

Senator Talley: "Thank you."

POINT OF INQUIRY

Senator Odegaard: "Will Senator Rasmussen yield? Senator Rasmussen, in your committee amendment, does it also still allow for confidential plates for the state elected officials?"

Senator Rasmussen: "If determined by the state patrol that they are necessary, the chief of the state patrol, upon the recommendation. And in most instances it will not be necessary. In some departments it will be and I would not see any reason for any state elected official to have confidential plates. He is not the investigator."

Senator Odegaard: "There was a concern, Senator Rasmussen, of some of us in the Legislative Budget Committee that there might be necessity at times for some of the state elected officials, under certain threats or whatever or conditions in the state and it might be a good idea for them to have confidential plates. I know I, for one, was very careful that the language was inserted in the original bill and was adopted by the full committee, and I feel a little uneasy if that is not in this particular amendment."

Senator Rasmussen: "I think it is, Senator Odegaard, if you will permit me a minute to find the place."

Senator Odegaard: "All right."

POINT OF INQUIRY

Senator Peterson: "Will Senator Rasmussen yield further? Senator, pursuing Senator Talley's question, is this giving the state patrol broad authority to use all unmarked cars with unidentified plates in the pursuit of their normal highway enforcement activities?"

Senator Rasmussen: "Your question was, Senator, does it permit the use of unmarked cars for law enforcement?"

Senator Peterson: "Yes, in the normal pursuit of the state patrol's function, would this open the door that the brown Dodge that comes down the highway with an XYZ 122 license plate, then in turn flashes his blue light under the grill on you and pulls you over for a citation?"

Senator Rasmussen: "I presume if the chief thought it was necessary it would. Let me read you that section, Senator. It is New Section, section 2: 'Except as provided in subsection (3) of this section, the department of motor vehicles is authorized to issue confidential motor vehicle license plates to units of local government and to agencies of the units of local government and to agencies of the federal government for law enforcement purposes only.'

"'Except as provided in subsections (3) and (4) of this section the use of confidential plates on vehicles owned or operated by the state of Washington by any officer or employee thereof, shall be limited to confidential, investigative, or undercover work of state law enforcement agencies, confidential public health work, and confidential public assistance fraud or support investigations.'

"And then this subsection (3) that they speak of and the one that Senator Odegaard was concerned with, 'Any state official elected on a state-wide basis, shall be provided on request with one set of confidential plates for use on official business. When necessary for the personal security of any state official, other public officer, or public employee, the chief of the Washington state patrol may recommend that the director issue confidential plates for use on an unmarked publicly owned or controlled vehicle of the appropriate governmental unit for the conduct of official business for the period of time that the personal security of such state official, public officer, or other public employee may require. The office of the state treasurer may use an unmarked state owned or controlled vehicle with confidential plates where required for the safe transportation of either state funds or negotiable securities to or from the office of the state treasurer.'

"(4) The director of the department of motor vehicles, with the approval of the automotive policy board established pursuant to section 6, chapter . . . (HB 105), Laws of 1975 1st ex. sess., may issue rules and regulations governing applications for, and the use of, such plates by law enforcement and other public agencies. The legislative auditor shall periodically examine or require filing of a current listing of the total number of such plates issued to any law.'

"I think, Senator Peterson, that this would answer your question that applications for and the use of such plates by law enforcement and other public agencies would be under this board which is established to regulate the use of these. Now if the chief would determine that explicitly, I suppose, that he needed unmarked cars, he would fill the application out and present it."

Senator Peterson: "Senator Rasmussen, I certainly agree that the necessity — the plates that your bill referred to certainly has merit. My concern is, and the question that I direct to you is, is this a movement by the state patrol to put all of their cars out with unmarked plates? Was this brought up in committee?"

Senator Rasmussen: "No, no, and I do not think that that is the intention. The intention of the whole bill is to have tighter control over the use of state cars by the required markings."

MOTION

On motion of Senator Mardesich, Engrossed House Bill No. 172, together with the pending committee amendment, was ordered placed at the end of today's second reading calendar.

SECOND READING

ENGROSSED HOUSE BILL NO. 675, by Representatives Shinoch, Polk, Bag-nariol, Flanagan and North:
Regulating the receipt of unanticipated funds.

REPORT OF STANDING COMMITTEE

April 9, 1975.

ENGROSSED HOUSE BILL NO. 675, regulating the receipt of unanticipated funds (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendments:

Strike all material after the enacting clause and insert the following:

"Section 1. Section 1, chapter 40, Laws of 1971 ex. sess. and RCW 28B.10.180 are each amended to read as follows:

Notwithstanding the provisions of RCW 43.88.110, the four state colleges and state universities shall submit to the governor a complete financial plan for the ensuing fiscal period in such form and at such time as he may require. The financial plan shall reflect all anticipated expenditures and all resources available to each college or university, whether appropriated or not, and whether restricted or not: PROVIDED, That restricted funds shall be shown and applied only for the purposes for which received. The governor shall allot the amounts in the spending plan as proposed by the state college or university by source of funds within any program by fiscal year: PROVIDED, That the governor may alter the amounts proposed in the following cases:

(1) When necessary to reflect legislative intent as set forth in the executive budget as accepted or modified by the legislature in the senate or house journals or in any formal communication from the legislative budget committee *or the standing committees on ways and means of the house and senate*;

(2) When necessary to limit total state expenditures to available revenues as required by RCW 43.88.110(2); and

(3) When a state college or university proposes the expenditure of a resource not disclosed in the budget request submitted to the governor and legislature.

Sec. 2. Section 43.09.310, chapter 8, Laws of 1965 as amended by section 2, chapter 170, Laws of 1971 ex. sess. and RCW 43.09.310 are each amended to read as follows:

The state auditor, through the division of departmental audits, shall make a post-audit of every state department at such reasonable periodic intervals as he shall determine but in each case an audit shall be conducted every two years. A report *shall be made* of each post-audit upon completion thereof, [shall be made in sextuplet.] and one copy shall be transmitted to the governor, one to the director of the office of program

planning and fiscal management, one to the attorney general, one to the state department audited, one to the legislative budget committee, *one each to the standing committees on ways and means of the house and senate, one to the chief clerk of the house, one to the secretary of the senate, and at least one shall be kept on file in the office of the state auditor.*

Sec. 3. Section 43.62.050, chapter 8, Laws of 1965 and RCW 43.62.050 are each amended to read as follows:

The board shall develop and maintain student enrollment forecasts of Washington schools, including both public and private, elementary schools, junior high schools, high schools, colleges and universities. The board shall submit reports on such forecasts to the governor [and to], the legislative budget committee, *and the standing committees on ways and means of the house and the senate* on or before the fifteenth day of November of each even-numbered year.

Sec. 4. Section 43.79.270, chapter 8, Laws of 1965 as amended by section 2, chapter 144, Laws of 1973 and RCW 43.79.270 are each amended to read as follows:

(1) Whenever any money, from the federal government, or from other sources, *is expected to be available for expenditure and* which was not anticipated in the budget approved by the legislature [has actually been received] and is designated to be spent for a specific purpose, the head of any department, agency, board, or commission through which such expenditure shall be made is to submit to the governor a statement [which may be in the form of a request for an allotment amendment] setting forth the facts constituting the need for such expenditure and the estimated amount to be expended[: PROVIDED, That no expenditure shall be made in excess of the actual amount received, and no money shall be expended for any purpose except the specific purpose for which it was received]. A copy of any proposal submitted to the governor to expend money [from an appropriated fund or account in excess of appropriations provided by law] which is based on the receipt of unanticipated revenues shall be submitted to the legislative budget committee and [also] to the standing committees on ways and means of the house and senate [if the legislature is in session] at the same time as it is transmitted to the governor.

(2) *If the governor approves such estimate in whole or in part, he shall endorse on each copy of the statement his approval, together with a statement of the amount recommended for expenditure, and transmit one copy to the legislative budget committee. The committee staff shall compile such expenditure recommendations and periodically submit them for legislative consideration and disposition as set forth in section 12 of this 1975 amendatory act. The committee staff shall also prepare and submit appropriate recommendations as to legislative disposition on each proposal for additional spending recommended by the governor pursuant to this section. The committee shall advise the office of program planning and fiscal management, the affected state agency, and the standing committees on ways and means of the house and senate of all actions on spending proposals recommended by the governor under the terms of this section.*

NEW SECTION. Sec. 5. There is added to chapter 43.88 RCW a new section to read as follows:

(1) Federal funds available during a fiscal period which were not anticipated relative to appropriations enacted for that fiscal period shall be used in lieu of funds appropriated from state or local revenue sources wherever possible unless prohibited by federal law, rule, regulation, or other restriction. Exceptions to the fund substitution requirements imposed by this subsection may be granted by a favorable majority vote of the standing committees on ways and means of the house and senate while the legislature is in session or has not been in recess for three days or more. At other times, exceptions may be granted by action of the legislative budget committee.

(2) Unanticipated receipts other than those covered by subsection (1) of this section, available during a fiscal period which were not anticipated relative to appropriations enacted for that fiscal period may also be substituted for appropriated funds by direction of either the legislative budget committee or the standing committees on ways and means of the house and senate in the same manner as federal fund substitutions are handled under subsection (1) of this section.

Sec. 6. Section 43.88.090, chapter 8, Laws of 1965 as amended by section 6, chapter 100, Laws of 1973 1st ex. sess. and RCW 43.88.090 are each amended to read as follows:

For purposes of developing his budget proposals to the legislature, the governor shall have the power, and it shall be his duty, to require from proper agency officials such detailed estimates and other information in such form and at such times as he shall direct. The estimates for the legislature and the judiciary shall be transmitted to the governor and shall be included in the budget. Estimates for the legislature and for the supreme court shall be included in the budget without revision. Copies of all such estimates shall be transmitted to the [legislative budget committee] *standing committees on ways and means of the house and senate at the same time as they are filed with the governor and the office of program planning and fiscal management. In the year of the gubernatorial election, the governor shall invite the governor-elect or his designee to attend all hearings provided in RCW 43.88.100; and the governor shall furnish the governor-elect or his designee with such information as will enable him to gain an understanding of the state's budget requirements. The governor-elect or his designee may ask such questions during the hearings and require such information as he deems necessary and may make recommendations in connection with any item of the budget which, with the governor-elect's reasons therefor, shall be presented to the legislature in writing with the budget document. Copies of all such estimates and other required information shall also be submitted to the [legislative budget committee].* The governor shall also invite the legislative budget committee to designate one or more persons to be present at all hearings provided in RCW 43.88.100. The designees of the legislative budget committee may also ask such questions during the hearings and require such information as they deem necessary] *standing committees on ways and means of the house and senate.*

Sec. 7. Section 1, chapter 263, Laws of 1971 ex. sess. and RCW 43.88.115 are each amended to read as follows:

Either the legislative budget committee [is] or the standing committees on ways and means of the house and senate are authorized and may order reductions in general fund expenditures for other elected public officials and all public educational agencies and their facilities except institutions of higher learning up to the amount of reductions which are required by agencies under the control of the governor, to the end that while the independence of such elective offices and educational agencies except institutions of higher learning be assured, necessary measures of economy shall be shared by all agencies concerned with the functions of government.

Sec. 8. Section 43.88.160, chapter 8, Laws of 1965 as last amended by section 11, chapter 40, Laws of 1975 and RCW 43.88.160 are each amended to read as follows:

This section sets forth the major fiscal duties and responsibilities of officers and agencies of the executive branch. The regulations issued by the governor pursuant to this chapter shall provide for a comprehensive, orderly basis for fiscal management and control, including efficient accounting and reporting therefor, for the executive branch of the state government and may include, in addition, such requirements as will generally promote more efficient public management in the state.

(1) Governor; director of program planning and fiscal management. The governor, through his director of program planning and fiscal management, shall devise and supervise a modern and complete accounting system for each agency to the end that all revenues, expenditures, receipts, disbursements, resources and obligations of the state shall be properly and systematically accounted for. The accounting system shall include the development of accurate, timely records and reports of all financial affairs of the state. The system shall also provide for comprehensive central accounts in the office of program planning and fiscal management. The director of program planning and fiscal management may require such financial, statistical and other reports as he deems necessary from all agencies covering any period.

In addition, the director of program planning and fiscal management, as agent of the governor, shall:

(a) Make surveys and analyses of agencies with the object of determining better methods and increased effectiveness in the use of manpower and materials; and he shall

authorize expenditures for employee training to the end that the state may benefit from training facilities made available to state employees;

(b) Report to the governor with regard to duplication of effort or lack of coordination among agencies;

(c) Review any pay and classification plans, and changes thereunder, developed by any agency for their fiscal impact: PROVIDED, That none of the provisions of this subsection shall affect merit systems of personnel management now existing or hereafter established by statute relating to the fixing of qualifications requirements for recruitment, appointment, or promotion of employees of any agency. He shall advise and confer with agencies including [the legislative budget committee and the legislative council] *appropriate standing committees of the legislature as may be designated by the speaker of the house and the president of the senate* regarding the fiscal impact of such plans and may amend or alter said plans, except that for the following agencies no amendment or alteration of said plans may be made without the approval of the agency concerned: Agencies headed by elective officials; University of Washington; Washington State University; Central Washington State College; Eastern Washington State College; Western Washington State College; The Evergreen State College; new, four-year state colleges subsequently authorized; professional education employees of the state board for community college education; and the various state community colleges.

(d) Fix the number and classes of positions or authorized man years of employment for each agency and during the fiscal period amend the determinations previously fixed by him except that he shall not be empowered to fix said number or said classes for the following: Agencies headed by elective officials; University of Washington; Washington State University; Central Washington State College; Eastern Washington State College; Western Washington State College; The Evergreen State College; new, four-year state colleges subsequently authorized; professional education employees of the state board for community college education; and the various state community colleges;

(e) Promulgate regulations to effectuate provisions contained in subsections (a) through (d) hereof.

(2) The treasurer shall:

(a) Receive, keep and disburse all public funds of the state not expressly required by law to be received, kept and disbursed by some other persons: PROVIDED, That this subsection shall not apply to those public funds of the institutions of higher learning which are not subject to appropriation;

(b) Disburse public funds under his supervision or custody by warrant or check;

(c) Keep a correct and current account of all moneys received and disbursed by him, classified by fund or account;

(d) Perform such other duties as may be required by law or by regulations issued pursuant to this law.

It shall be unlawful for the treasurer to issue any warrant or check for public funds in the treasury except upon forms duly prescribed by the director of program planning and fiscal management. Said forms shall provide for authentication and certification by the agency head or his designee that the services have been rendered or the materials have been furnished; or, in the case of payments for periodic maintenance services to be performed on state-owned equipment, that a written contract for such periodic maintenance services is currently in effect and copies thereof are on file with the office of program planning and fiscal management [and the legislative budget committee]; and the treasurer shall not be liable under his surety bond for erroneous or improper payments so made: PROVIDED, That when services are lawfully paid for in advance of full performance by any private individual or business entity other than as provided for by RCW 42.24.035, such individual or entity other than central stores rendering such services shall make a cash deposit or furnish surety bond coverage to the state as shall be fixed in an amount by law, or if not fixed by law, then in such amounts as shall be fixed by the director of the department of general administration but in no case shall such required cash deposit or surety bond be less than an amount which will fully indemnify the state against any and all losses on account of breach of promise to fully perform such services: AND PROVIDED FURTHER, That no payments shall be made in advance

for any equipment maintenance services to be performed more than three months after such payment. Any such bond so furnished shall be conditioned that the person, firm or corporation receiving the advance payment will apply it toward performance of the contract. The responsibility for recovery of erroneous or improper payments made under this section shall lie with the agency head or his designee in accordance with regulations issued pursuant to this chapter.

[The auditor's current post audit of each agency may include a separate section setting forth recommendations to the legislature as provided by subsection (3)(e) of this section.]

(3) The state auditor shall:

(a) Report to the legislature the results of current post audits that have been made of the financial transactions of each agency; to this end he may, in his discretion, examine the books and accounts of any agency, official or employee charged with the receipt, custody or safekeeping of public funds. *The current post audit of each agency may include a section on recommendations to the legislature as provided in subsection (3)(c) of this section.*

(b) Give information to the legislature, whenever required, upon any subject relating to the financial affairs of the state.

(c) Make his official report on or before the thirty-first of December which precedes the meeting of the legislature. The report shall be for the last complete fiscal period and shall include at least the following:

Determinations as to whether agencies, in making expenditures, complied with the laws of this state: PROVIDED, That nothing in this act shall be construed to grant the state auditor the right to perform performance audits. A performance audit for the purpose of this act shall be the examination of the effectiveness of the administration, its efficiency and its adequacy in terms of the programs of departments or agencies as previously approved by the legislature. The authority and responsibility to conduct such an examination shall be vested in the legislative budget committee as prescribed in RCW 44.28.085 *as now or hereafter amended.*

(d) Be empowered to take exception to specific expenditures that have been incurred by any agency or to take exception to other practices related in any way to the agency's financial transactions and to cause such exceptions to be made a matter of public record, including disclosure to the agency concerned and to the director of program planning and fiscal management. It shall be the duty of the director of program planning and fiscal management to cause corrective action to be taken promptly, such action to include, as appropriate, the withholding of funds as provided in RCW 43.88.110.

(e) Shall promptly report any irregularities to the attorney general.

(4) The legislative budget committee may:

(a) Make post audits [of such] of the financial transactions [as it may determine] of any agency and management surveys and program reviews as provided for in RCW 44.28.085 [and] *as now or hereafter amended.* To this end *the committee* may in its discretion examine the books [and], accounts, *and other records* of any agency, official, or employee [charged with the receipt, custody, or safekeeping of public funds].

(b) Give information to the legislature or any legislative committee whenever required upon any subject relating to the [financial affairs of the] *performance and management of state agencies.*

(c) Make [its official] a report [on or before the thirty-first of December which precedes the meeting of] to the legislature [. The report] *which shall [be for the last complete fiscal period and shall] include at least the following:*

(i) Determinations as to the extent to which agencies in making expenditures have complied with the will of the legislature and in this connection, may take exception to specific expenditures or financial practices of any agencies; and

(ii) Such plans as it deems expedient for the support of the state's credit, for lessening expenditures, for promoting frugality and economy in agency affairs and generally for an improved level of fiscal management [; and

(iii) A report on the efficiency and accuracy of the post audit operations of the

state government].

Sec. 9. Section 1, chapter 248, Laws of 1969 ex. sess. and RCW 43.88.195 are each amended to read as follows:

After August 11, 1969, no state agency, state institution, state institution of higher education, which shall include all state universities, state colleges, and community colleges, shall establish any new accounts or funds which are to be located outside of the state treasury: PROVIDED, That the [state budget director] *office of program planning and fiscal management* shall be authorized to grant permission for the establishment of such an account or fund outside of the state treasury only when the requesting agency presents compelling reasons of economy and efficiency which could not be achieved by placing such funds in the state treasury. When the [state budget director] *director of the office of program planning and fiscal management* authorizes the creation of such fund or account, he shall forthwith give written notice of the fact to the [legislative budget committee] *standing committees on ways and means of the house and senate*.

Sec. 10. Section 4, chapter 41, Laws of 1967 ex. sess. as amended by section 3, chapter 17, Laws of 1973 2nd ex. sess. and RCW 43.88.205 are each amended to read as follows:

(1) Whenever an agency makes application, enters into a contract or agreement, or submits state plans for participation in, and for grants of federal funds under any federal law, the agency making such application shall at the time of such action, give notice in such form and manner as the director of program planning and fiscal management [or any successor agency or committee of the legislature] may prescribe, or the chairman of the legislative budget committee, *standing committees on ways and means of the house and senate, the chief clerk of the house, or the secretary of the senate* may request.

(2) Whenever any such application, contract, agreement, or state plan is amended, such agency shall notify each such officer of such action in the same manner as prescribed or requested pursuant to subsection (1) of this section.

(3) Such agency shall promptly furnish such progress reports in relation to each such application, contract, agreement, or state plan as may be requested following the date of the filing of the application, contract, agreement, or state plan; and shall also file with each such officer a final report as to the final disposition of each such application, contract, agreement, or state plan if such is requested.

Sec. 11. Section 43.88.230, chapter 8, Laws of 1965 and RCW 43.88.230 are each amended to read as follows:

For the purposes of this chapter, [the legislative council,] the statute law committee, the legislative budget committee, and all legislative [interim] *standing committees of both houses* shall be deemed a part of the legislative branch of state government.

NEW SECTION. Sec. 12. There is added to chapter 44.04 RCW a new section to read as follows:

(1) The legislative budget committee is authorized and directed to approve, modify and approve, defer or reject by a majority vote any spending recommendations from unanticipated receipts submitted by the governor during any period during which the legislature is not in session or has been in recess for three days or more.

(2) During any period when the legislature is in session or has not been in recess three days or longer, the house and senate standing committees on ways and means are authorized to jointly or separately approve, modify and approve, defer, or reject by a majority vote of each, any spending recommendations from unanticipated receipts which the governor may recommend.

Sec. 13. Section 2, chapter 43, Laws of 1951 and RCW 44.28.060 are each amended to read as follows:

The committee shall have the power and duty to appoint its own chairman, vice chairman, and other officers; to make rules and regulations for orderly procedure; to perform, either through the legislative budget committee [or through the legislative council] or through subcommittees of the legislative budget committee, all duties and functions relating to [the study of expenditures by the] *improving the economy, efficiency, and effectiveness of state agency management by performance audits and other*

staff studies of state government, its officers, boards, committees, commissions, institutions, and other state agencies.

Sec. 14. Section 4, chapter 43, Laws of 1951 as amended by section 10, chapter 206, Laws of 1955 and RCW 44.28.080 are each amended to read as follows:

The committee shall have the following powers:

(1) To make [current] examinations and reports [concerning the current condition of all state funds, appropriations and other state moneys;] concerning whether or not [such] appropriations are being [currently] expended for the purposes and within the statutory restrictions provided by the legislature; concerning the [current availability] *economic outlook and estimates* of revenue to meet expenditures [under appropriations]; and concerning the organization and operation of procedures necessary or desirable to [control the expenditures and other fiscal operations of the] *promote economy, efficiency, and effectiveness in state government, its officers, boards, committees, commissions, institutions and other state agencies, and to make recommendations and reports to the legislature.*

(2) To make such other studies and examinations of [the expenses of the] *economy, efficiency, and effectiveness of state government and its state agencies as it may find advisable, and to hear complaints, hold hearings, gather information and make findings of fact with respect thereto.*

(3) *The committee shall have the power to receive messages and reports in person or in writing from the governor or any other state officials and to study generally any and all business relating to economy, efficiency, and effectiveness in state government and state agencies.*

Sec. 15. Section 3, chapter 170, Laws of 1971 ex. sess. and RCW 44.28.085 are each amended to read as follows:

The legislative budget committee [may] *shall* make management surveys and program reviews as to every public body, officer or employee subject to the provisions of RCW 43.09.290 through 43.09.340. *The legislative budget committee may also make management surveys and program reviews of local school districts, intermediate school districts, and other units of local government receiving state funds as grants-in-aid or as shared revenues.* Management surveys for the purposes of this section shall be an independent examination for the purpose of providing the legislature with an evaluation and report of the manner in which any *public agency, officer, administrator, or employee* [of a state agency subject to RCW 43.09.290 through 43.09.340] has discharged [his] *the* [responsibilities] *responsibility* to faithfully, efficiently, and effectively administer any legislative purpose of the state. Program reviews for the purpose of this section shall be an examination of [agency] *state or local government* programs to ascertain whether or not such programs continue to serve their intended purposes, are conducted in an efficient and effective manner, or require modification or elimination: PROVIDED, That nothing in this section shall limit the power or duty of the state auditor to report to the legislature as directed by subsection (3) of RCW 43.88.160 as [amended by this 1971 amendatory act] *now or hereafter amended.* The authority in this section conferred excludes a like authority in the state auditor.

The legislative budget committee shall receive a copy of each report of examination issued by the state auditor under RCW 43.09.310, shall review all such reports, and shall make such recommendations to the legislature and to the state auditor as it deems appropriate.

Sec. 16. Section 6, chapter 43, Laws of 1951 and RCW 44.28.100 are each amended to read as follows:

The committee shall have the power to make reports from time to time to the members of the legislature [, to the legislative council,] and to the public with respect to any of its findings or recommendations. The committee shall keep complete minutes of its meetings. The committee shall make and distribute its final report to the members of the ensuing legislature at least ten day prior to the convening of the legislature.

Sec. 17. Section 11, chapter 43, Laws of 1951 as amended by section 9, chapter 206, Laws of 1955 and RCW 44.28.140 are each amended to read as follows:

The committee is hereby authorized and empowered to appoint an officer to be

known as the legislative auditor, and to fix his compensation, who shall be the executive officer of the committee and assist in its duties and shall compile information for the committee. The committee is hereby authorized and empowered to select and employ other clerical, legal, accounting, research and other personnel that it may deem desirable in the performance of its duties, and the compensation and salaries shall be fixed by the legislative budget committee.

The duties of the legislative auditor shall be as follows:

(1) To ascertain the facts and make recommendations to the committee and under their direction to the committees of the state legislature concerning

(a) [state budget;

(b) revenues and expenditures of the state; and

[(c)] (b) the organization and functions of the state, its departments, subdivisions and agencies.

(2) To assist the [appropriations] *several standing* committees of the house and senate [, respectively,] in consideration of [the budget and all bills carrying express or implied appropriations and all] legislation affecting state departments and their efficiency; to appear before [any] other legislative committees and to assist any other legislative committee [s] upon instruction by legislative budget committee.

(3) To provide the legislature with information obtained under the direction of the legislative budget committee.

(4) To maintain a record of all work performed by the legislative auditor under the direction of the legislative budget committee and to keep and make available all documents, data and reports submitted to him by any legislative committee.

Sec. 18. Section 7, chapter 43, Laws of 1951 and RCW 44.28.150 are each amended to read as follows:

The committee shall cooperate, act and function with [the legislative council] *legislative committees* and with the councils or committees of other states similar to this committee and with other interstate research organizations.

Sec. 19. Section 2, chapter 195, Laws of 1971 ex. sess. and RCW 44.40.025 are each amended to read as follows:

In addition to the powers and duties authorized in RCW 44.40.020 the committee, *the standing committees on ways and means and on transportation and utilities of the house and senate* shall, in coordination with the legislative budget committee, ascertain, study, and/or analyze all available facts and matters relating or pertaining to sources of revenue, appropriations, expenditures, and financial condition of the motor vehicle fund and accounts thereof, the highway safety fund, and all other funds related to transportation programs of the state.

Sec. 20. Section 4, chapter 25, Laws of 1965 as last amended by section 2, chapter 91, Laws of 1971 ex. sess. and RCW 46.68.041 are each amended to read as follows:

(1) The department shall forward all funds accruing under the provisions of chapter 46.20 RCW together with a proper identifying, detailed report to the state treasurer who shall deposit such moneys to the credit of the highway safety fund except as otherwise provided in this section.

(2) One dollar of each fee collected for a temporary instruction permit shall be deposited in the driver education account in the general fund.

(3) Out of each fee of five dollars collected for a driver's license, the sum of three dollars and ten cents shall be deposited in the highway safety fund, and one dollar and ninety cents shall be deposited in the general fund[: PROVIDED, That the legislative budget committee and the legislative transportation committee are directed to jointly review methods for providing adequate financing of the state patrol and report their conclusions to the next session of the legislature commencing after January 1, 1972].

NEW SECTION. Sec. 21. The following acts or parts of acts are each hereby repealed:

(1) Section 43.79.280, chapter 8, Laws of 1965, section 3, chapter 144, Laws of 1973 and RCW 43.79.280;

(2) Section 5, chapter 43, Laws of 1951 and RCW 44.28.090; and

(3) Section 2, chapter 148, Laws of 1959 and RCW 44.28.160.

NEW SECTION. Section 22. If any provision of this 1975 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. 23. This 1975 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 on July 1, 1975."

Beginning in line 1 of the title with "amending" strike all material down to and including the period in line 7 and insert the following:

"amending section 1, chapter 40, Laws of 1971 ex. sess. and RCW 28B.10.180; amending section 43.09.310, chapter 8, Laws of 1965 as amended by section 2, chapter 170, Laws of 1971 ex. sess. and RCW 43.09.310; amending section 43.62.050, chapter 8, Laws of 1965 and RCW 43.62.050; 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 43.88.090, chapter 8, Laws of 1965 as amended by section 6, chapter 100, Laws of 1973 1st ex. sess. and RCW 43.88.090; amending section 1, chapter 263, Laws of 1971 ex. sess. and RCW 43.88.115; amending section 43.88.160, chapter 8, Laws of 1965 as last amended by section 11, chapter 40, Laws of 1975 and RCW 43.88.160; amending section 1, chapter 248, Laws of 1969 ex. sess. and RCW 43.88.195; amending section 4, chapter 41, Laws of 1967 ex. sess. as amended by section 3, chapter 17, Laws of 1973 2nd ex. sess. and RCW 43.88.205; amending section 43.88.230, chapter 8, Laws of 1965 and RCW 43.88.230; amending section 2, chapter 43, Laws of 1951 and RCW 44.28.060; amending section 4, chapter 43, Laws of 1951 as amended by section 10, chapter 206, Laws of 1955 and RCW 44.28.080; amending section 3, chapter 170, Laws of 1971 ex. sess. and RCW 44.28.085; amending section 6, chapter 43, Laws of 1951 and RCW 44.28.100; amending section 11, chapter 43, Laws of 1951 as amended by section 9, chapter 206, Laws of 1955 and RCW 44.28.140; amending section 7, chapter 43, Laws of 1951 and RCW 44.28.150; amending section 2, chapter 195, Laws of 1971 ex. sess. and RCW 44.40.025; amending section 4, chapter 25, Laws of 1965 as last amended by section 2, chapter 91, Laws of 1971 ex. sess. and RCW 46.68.041; adding a new section to chapter 43.88 RCW; adding a new section to chapter 44.04 RCW; repealing section 43.79.280, chapter 8, Laws of 1965, section 3, chapter 144, Laws of 1973 and RCW 43.79.280; repealing section 5, chapter 43, Laws of 1951 and RCW 44.28.090; repealing section 2, chapter 148, Laws of 1959 and RCW 44.28.160; declaring an emergency; and providing an effective date."

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Bailey, Clarke, Jones, Lewis, (Harry), Marsh, Murray, Scott, Washington.

The bill was read the second time by sections.

On motion of Senator Donohue, the committee amendment was adopted.

On motion of Senator Donohue, the committee amendment to the title was adopted.

On motion of Senator Donohue the rules were suspended, Engrossed House Bill No. 675, 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. 675, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; nays, 1, excused, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—47.

Voting nay: Senator Grant—1.

Excused: Senator Buffington—1.

ENGROSSED HOUSE BILL NO. 675, 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. 102, by Representatives Chatalas, Curtis, Shinoch, Polk, Bagnariol, Flanagan, North and Randall (by Legislative Budget Committee request):

Reconstituting purchasing and material control in state government.

The Senate resumed consideration of Engrossed House Bill No. 102. Earlier today an amendment by Senator Lewis (Harry) to page 9, line 36 was adopted.

On motion of Senator Rasmussen, the rules were suspended, Engrossed House Bill No. 102, 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: "Would Senator Rasmussen yield? Senator Rasmussen, I have several questions, the first of which was: Does this mandate the local agencies, for instance, the cities, the counties, or the towns, or the schools in local areas throughout the state, to buy through a central stores located here in Olympia?"

Senator Rasmussen: "No, only if it is to their advantage."

Senator Guess: "Will this in any way hurt the small town merchants who have enjoyed the sales to local schools in the past?"

Senator Rasmussen: "No. Of course, they have the joint purchasing privilege now, that they may participate in any state bid. That has been in effect for a number of years. The question was specifically asked, will this require that all purchases come out of the central stores and the answer was no. There is quite a cost saving in purchasing at the local level, particularly in the smaller items, and they wanted to continue that practice. They will have to maintain records to show that they had two or three prices submitted and that they purchased from the lowest priced, quality considered."

Senator Guess: "Senator Rasmussen, Will the establishment of another commission and another department create such a high overhead that any advantage of centralized purchasing be dissipated? You are going to add more people; you are going have another commission."

Senator Rasmussen: "No, no, these are people that are presently in state government. The intention of it is that—of course the world is filled with good intentions that go wrong as you can well know through the Forest Practices Act and several other things that we created—this will set up standards for inventory control, for uniform methods of purchasing, and through that will save the state money."

Senator Guess: "Thank you very much, Senator."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 102, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; nays, 4; excused, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, Walgren, Wanamaker, Washington, Woody—44.

Voting nay: Senators Grant, Guess, von Reichbauer, Wilson—4.

Excused: Senator Buffington—1.

ENGROSSED HOUSE BILL NO. 102, 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. 220, by Committee on Labor (originally sponsored by Representatives Parker, May, Gaines, Kilbury, Adams and Gaspard):

Requiring labor and industries to conduct railroad safety inspections relating to employees.

The bill was read the second time by sections.

On motion of Senator Ridder, the rules were suspended, Substitute House Bill No. 220 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

MOTION

On motion of Senator Lewis (Harry), Substitute House Bill No. 220 was held on third reading today following consideration of Senate Bill No. 2808.

SECOND READING

SENATE BILL NO. 2808, by Senator Fleming:
Relating to local government.

MOTIONS

On motion of Senator Fleming, Substitute Senate Bill No. 2808 was substituted for Senate Bill No. 2808, and the substitute bill was placed on second reading and read the second time in full.

Senator Fleming moved adoption of the following amendments:

On page 1, line 8, strike "*fourteen*" and insert "*eighteen*" and strike "*Three*" and insert "*Four*".

On page 1, line 9, before "*representation*" insert "*equal*".

On page 1, line 10, strike "*three*" and insert "*four*".

On page 1, line 12, before "*representation*" insert "*equal*".

On page 1, line 14, strike "*seven*" and insert "[*seven*] *nine*".

POINT OF INQUIRY

Senator Rasmussen: "Will Senator Fleming yield to a question? Senator Fleming, I note that this council is financed from the motor vehicle tax, motor vehicle excise taxes."

Senator Fleming: "Yes."

Senator Rasmussen: "And that is the two percent, maybe three percent, what is the total dollar amount that is raised?"

Senator Fleming: "I do not know exactly what the total dollar amount is raised but I know it is funded from the portion of the automobile excise tax which is allocated to the cities and towns already, and it takes a certain percentage of that. It does not, this will not take any additional allocation from the fund. This comes from the amount that is already allocated to the cities."

Senator Rasmussen: "And then this municipal research council that you are appointing additional legislators to, they spend this money for state purposes?"

Senator Fleming: "To give you an idea, the research council itself was created for the purpose of providing program and research services for cities and towns, and the duties of the council include entering into contracts with a nonprofit educational or service agency to carry out or perform these research services in cooperation with the Association of Washington Cities, and also the council meets periodically, at least once or two or three times a year to review the activities of the funded center."

Senator Rasmussen: "That was the reason I asked you that question, Senator Fleming. It seemed, I was thumbing through the budget and there was seven hundred and fifty thousand dollars, and then I was thumbing through the personal service contracts and it appeared that the municipal research council has no money because they immediately transfer it all over into personal service contracts. Do you know anything about that?"

Senator Fleming: "That is what I am saying. They contract the services to the research center, and I can give you an idea what the research center does, if that will answer your question."

Senator Rasmussen: "Yes, that would be good."

Senator Fleming: "Okay, the municipal research center provides a broad array of services; inquiry services, research publications, training, and other related services; and within this area what they do is, in the inquiry area, the city officials seek technical information related to zoning, budgeting finance, general management procedure, planning, and so forth. In the research and publication the center, the research center services itself, publish a variety of manuals, budgeting procedures, equal employment procedures, traffic safety, salary and fringe benefit rates, and so forth. Under the training they do offer technical training to the various cities, in particular the third and fourth class cities, and so forth."

Senator Rasmussen: "Sounds like this is a contracting agency."

Senator Fleming: "Yes."

Senator Rasmussen: "Then, Senator, being contracted out on a personal service contract, none of these employees are on the state pension plan then? Because state employees are covered but personal service contracts are not covered under the pension system."

Senator Fleming: "With these not being state funds and they are turned over to city funds, I am not so sure whether they are employees. I do not think, if they are contracted services, no they would not."

Senator Rasmussen: "None of these employees would be on the state pension plan?"

Senator Fleming: "If they are contracted services, no, they would not."

Senator Rasmussen: "Would you check that?"

Senator Fleming: "The members that serve on the council, the local officials, yes. They are involved in pensions. If you contract the services out, you are not considered as an employee of the city if it is a contractual basis."

Senator Rasmussen: "Thank you."

POINT OF INQUIRY

Senator Van Hollebeke: "Would Senator Fleming yield to a question? Senator Fleming, if one of the members appointed to this committee was from the Local Government Committee, is there any requirement in the bill that it be the chairman of the committee?"

Senator Fleming: "No, there is no requirement that it be the chairman of the committee, Senator Van Hollebeke, but I hope that we would appoint someone that showed some interest. We did not put the requirement in there but we would hope that both bodies would take that into consideration and make that a policy of the legislature."

POINT OF INQUIRY

Senator North: "Would Senator Fleming yield to a question? Following up on Senator Rasmussen's line of questioning here, it is still not clear to me, Senator Fleming, if this membership is increased, is it going to result in less funds going back to the cities, because this does come from the motor vehicle excise tax and that is what I am trying to find out here, because you are increasing it by six people and there will be additional expenses; and if it decreases what is going to the cities, how, or have they expressed any feeling about this?"

Senator Fleming: "First of all, it will not decrease the amount of money that goes to the cities. They get a certain percentage and then they have a budget. Secondly, I have talked to the Association of Washington Cities. They have indicated that there will not be any decrease in funds to the cities and they support this wholeheartedly. As a matter of fact, if it was not so cumbersome they would probably like to have a few more members on it."

The motion by Senator Fleming carried and the amendments were adopted.

On motion of Senator Fleming the rules were suspended, Engrossed Substitute

Senate Bill No. 2808, 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. 2808, and the bill passed the Senate by the following vote: Yeas, 44; nays, 4; excused, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Stortini, Talley, Van Hollebeke, Walgren, Wanamaker, Washington, Wilson, Woody—44.

Voting nay: Senators Newschwander, North, Scott, von Reichbauer—4.

Excused: Senator Buffington—1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2808, having received the 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 Fleming, Engrossed Substitute Senate Bill No. 2808 was ordered immediately transmitted to the House.

THIRD READING

SUBSTITUTE HOUSE BILL NO. 220, by Committee on Labor (originally sponsored by Representatives Parker, May, Gaines, Kilbury, Adams and Gaspard):

Requiring labor and industries to conduct railroad safety inspections relating to employees.

MOTION

Senator Lewis (Harry) moved the rules be suspended and Substitute House Bill No. 220 be returned to second reading.

Debate ensued.

PARLIAMENTARY INQUIRY

Senator Bailey: "There is no debate on this issue, is there?"

REPLY BY THE PRESIDENT

The President: "No, sir. A word of explanation by the maker of the motion is in order and that has been accomplished."

The motion by Senator Lewis (Harry) failed on a rising vote.

Further debate ensued.

MOTION

On motion of Senator Mardesich, Substitute House Bill No. 220 was made a special order of business for 3:00 p.m. today.

MOTION

On motion of Senator Mardesich, Engrossed House Bill No. 311 on today's second reading calendar will be considered following Senate Bill No. 2133.

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

SECOND READING

SENATE BILL NO. 2894, by Senators Day, Jones and Ridder:
Permitting ambulance service to claim lien against a tort-feasor.

REPORT OF STANDING COMMITTEE

April 10, 1975.

SENATE BILL NO. 2894, permitting ambulance service to claim lien against a tort-feasor (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 10, after "*transportation*" strike "*or*" and insert "*and*"

Signed by: Senators Day, Chairman; von Reichbauer, Vice Chairman; Buffington, McDermott, North, Pullen, Ridder.

The bill was read the second time by sections.

On motion of Senator Day, the committee amendment was adopted.

On motion of Senator Day the rules were suspended, Engrossed Senate Bill No. 2894 was placed 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. 2894, and the bill passed the Senate by the following vote: Yeas, 43; nays, 2; absent or not voting, 3; excused, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Clarke, Cunningham, Day, Donohue, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—43.

Voting nay: Senators Van Hollebeke, Woody—2.

Absent or not voting: Senators Fleming, Lewis (Harry), Talley—3.

Excused: Senator Buffington—1.

ENGROSSED SENATE BILL NO. 2894, having received the 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, Senator Donohue was excused.

SECOND READING

ENGROSSED HOUSE BILL NO. 172, by Representatives Bagnariol, Curtis, Shinpoch and Polk (by Legislative Budget Committee request):

Standardizing the marking of public vehicles.

The Senate resumed consideration of Engrossed House Bill No. 172. Earlier today, the committee amendment had been moved for adoption by Senator Rasmussen.

On motion of Senator Woody, the following amendments to the committee amendment were adopted:

On page 4, on the first line of subsection (3) after "*official*" strike "*elected on a statewide basis*".

On page 4, line 20, after "*Any*" and before "*state*" insert "*elected*".

On page 4, line 23, after "*any*" strike "*state official*".

The motion by Senator Rasmussen carried and the committee amendment, as amended, was adopted.

POINT OF INQUIRY

Senator Wilson: "Mr. President, would Senator Woody yield? Senator Woody, the back row got lost momentarily on what is a confidential license plate and what relationship does that bear to legislators and what just happened?"

Senator Woody: "A confidential license plate is one that looks like any other plate but if you were to try to track it down you would not be able to, and what we have done is included not only the state officials but legislators in the category of being able to

obtain one set for use on official business for personal security purposes. That would permit not only the Governor and the other state elected officials but also legislators to have some anonymity when a prior employee of ours gets upset with us, without mentioning his name."

Senator Rasmussen: "Senator Wilson, probably a little bit clearer identification is that the plates, as you probably have done many times for your constituents, you have called up and asked either the local state patrol or the sheriff, 'Who is this plate issued to?' The plate would be issued to probably John Doe or somebody that already has a tombstone, so that it could not be traced back, and that is the purpose of it. It is a secret plate and it is only for confidential purposes. It has numbers on it just like any regular plate but the identification back to the owner of it is not traceable except through the state patrol on a confidential basis."

POINT OF INQUIRY

Senator Guess: "Would Senator Woody yield? Senator Woody, the bill started talking about marking official automobiles. Does this mean that we are now going to give elected officials, Senators, and Representatives official automobiles that they can be marked with these confidential plates?"

Senator Woody: "No, it does not."

Senator Guess: "Then how do you reach the rationale—are the plates going to be given to us?"

Senator Woody: "No, we buy them, even under this. We can request though that they be confidential, and I would expect, Senator Guess, that you would be one of the first to ask for one of these if they ever release that fellow."

POINT OF INQUIRY

Senator Odegaard: "Would Senator Woody yield? When we strike 'elected' which we did in your amendment, what is the definition then of a state official? Could that be appointed by the Governor?"

Senator Woody: "No, if you will look at the amendment that was put on your desk finally in the typed form, we put 'elected' back in after 'any' and before 'state official' so it would read, 'any elected state official shall be provided on request with one set of confidential plates.' That omits and precludes appointed state officials from that category."

Senator Odegaard: "In other words then, if we have a new Secretary of State who is appointed, then he would not be able to apply for a confidential plate?"

Senator Woody: "I gather you are correct. The way the language reads, I gather you are correct."

Senator Morrison: "Mr. President, only to add perhaps to the answer that perhaps Senator Odegaard is seeking, all this does, this infers the state patrol cannot turn down your request for one set of confidential plates. If we go to an appointed Secretary of State, that in fact I am sure if he made the application through the proper channels for his own personal protection that the state patrol would issue him one set of confidential plates. As you will recall, Senator Odegaard, the desire by Legislative Budget Committee, after looking at this through performance audit, was to clamp down on a process that I think had sort of gotten away from us and we had confidential license plates being issued all across the state and I think the chief of the state patrol appreciated the fact that we called this to his attention."

On motion of Senator Rasmussen, the committee amendment to the title was adopted.

On motion of Senator Rasmussen, the rules were suspended, Engrossed House Bill No. 172, 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 Benitz: "Will Senator Rasmussen yield to a question? I would like to have

an answer. Could the Washington State Patrol with a sneaker car now use a license plate other than the WSP on it for making arrests?"

Senator Rasmussen: "Yes. The Washington State Patrol, of course, is in all forms of investigatory work and in drug control, and it is entirely possible that they could and I do not think we would want to deprive them of that right."

Senator Benitz: "Thank you, Senator Rasmussen. It is my understanding that the Washington State Patrol has not made traffic arrests with sneaker cars."

Senator Rasmussen: "I was not talking about traffic arrests."

Senator Benitz: "I would amend my question to include traffic arrests. Would they still be required to have a WSP on the license plates?"

Senator Rasmussen: "I would presume that this policy board would require that, and this policy board will set up the regulations by which the confidential plates are granted."

Senator Morrison: "Mr. President, I think it is important that we clarify that last particular point, and there is language on page 3, subsection (5), which just specifies that traffic control vehicles can be exempted from the marking requirements, the state patrol marking requirements, but any vehicle involved in traffic control cannot use a confidential license plate. I think it is important that we understand. Any other special work of any kind, drug control or investigation procedures, can utilize the confidential plates, but that car has to have a WSP plate and, Senator Benitz, if your eyes are that good, congratulations."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 172, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; nays, 4; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Clarke, Cunningham, Day, Fleming, Francis, Gould, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Woody—43.

Voting nay: Senators Goltz, Grant, McDermott, Wilson—4.

Excused: Senators Buffington, Donohue—2.

ENGROSSED HOUSE BILL NO. 172, 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 12:05 p.m., on motion of Senator Mardesich, the Senate recessed until 12:55 p.m.

AFTERNOON SESSION

The President called the Senate to order at 12:55 p.m.

MOTION

At 1:00 p.m., on motion of Senator Mardesich, the Senate recessed until 2:00 p.m.

SECOND AFTERNOON SESSION

The President called the Senate to order at 2:00 p.m.

MOTIONS

On motion of Senator Knoblauch, Senators Bottiger and Stortini were excused.

On motion of Senator Lewis (R. H. "Bob"), Senator Matson was excused.

SECOND READING

ENGROSSED HOUSE BILL NO. 311, by Representatives Tilly, Gaspard, Hayner and Knowles:

Providing a reinstatement period for a corporation of three years.

The bill was read the second time by sections.

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

On page 2, line 14 of the engrossed bill, being the House committee amendment to the printed bill, after "*within*" strike "*two*" and insert "*four*".

On page 2, line 35 of the engrossed bill, being page 3, line 1 of the printed bill, after the period insert:

"*NEW SECTION. Sec. 2. Section 108, chapter 53, Laws of 1965 and RCW 23A.28.250 are each amended to read as follows: "The dissolution of a corporation either (1) by the issuance of a certificate of dissolution by the secretary of state, or (2) by a decree of a court when the court has not liquidated the assets and business of the corporation as provided in this title, or (3) by expiration of its period of duration, shall not take away or impair any remedy available to or against such corporation, its directors, officers, or shareholders, for any right or claim existing, or any liability incurred, prior to such dissolution if action or proceeding thereon is commenced within two years after the date of such dissolution. Any such action or proceeding by or against the corporation may be prosecuted or defended by the corporation in its corporate name. The shareholders, directors and officers shall have power to take such corporate or other action as shall be appropriate to protect such remedy, right or claim. If such corporation was dissolved by the expiration of its period of duration, such corporation may amend its articles of incorporation at any time during such period of two years so as to extend its period of duration [.] : PROVIDED, That in dissolutions pursuant to RCW 23A.40.075, the period of time provided for in this section shall be four years."*

POINT OF INQUIRY

Senator Woody: "Would Senator Day yield? On a what would look to me like a substantial change here, adding an additional four years onto this, there has got to be some very good reason. Could you tell me what has happened since the Judiciary Committee hearing?"

Senator Day: "Yes, we are not adding an additional four years. We are merely making it four years instead of the two that you did add. I have talked to the Secretary of State relative to it and we do have one corporation in Spokane that would like to have this provision. We could have done it with three years, which was originally in the bill in the House, but it also had an emergency clause on it and the time is going to elapse that will be past the three year period, so that is the reason I went to four, Senator Woody."

Senator Woody: "Thank you, Senator Day."

Debate ensued.

POINT OF INQUIRY

Senator Rasmussen: "Would Senator Day yield to a question? Senator Day, how much is the fee for the renewal of the corporate license?"

Senator Day: "It is not a high fee but would be all the fees relative to . . ."

Senator Rasmussen: "How much is it?"

Senator Day: "I think it varies, depending on the . . ."

Senator Rasmussen: "Size of the corporation, the assets?"

Senator Day: "I think the minimum is one hundred dollars and then it is a ten dollar additional filing fee. Now presently in the bill that is before you, the original time, the three years that Senator Francis talked about, was the time before they would elapse. Now the bill extended it originally by three years and then it was reduced by the House Judiciary Committee to two, and the additional two years it was extended was the time for reinstatement. All we are asking here is that you extend the time when they can reinstate. It has nothing to do with the time that they actually lapse."

Senator Rasmussen: "I am probably sympathetic to your proposal but I may be against the whole proposal. If I do not renew by license on my car or my trailer or anything, I just do not operate and that is it, period, and I think that the corporate license is the same thing. Why should we extend it? They have two or three thousand corporate defunct down there that the Secretary of State has not acted on now and that is something they should be required to keep current or else it just phases out."

The motion by Senator Day failed and the amendments were not adopted.

On motion of Senator Francis the rules were suspended, Engrossed House Bill No. 311, 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. 311, and the bill passed the Senate by the following vote: Yeas, 42; nays, 1; absent or not voting, 1; excused, 5.

Voting yea: Senators Beck, Benitz, Bluechel, Clarke, Cunningham, Day, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—42.

Voting nay: Senator Rasmussen—1.

Absent or not voting: Senator Bailey—1.

Excused: Senators Bottiger, Buffington, Donohue, Matson, Stortini—5.

ENGROSSED HOUSE BILL NO. 311, having received the 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. 544, by Representatives Perry, Zimmerman and Kilbury:

Clarifying the powers of joint operating agencies (power commission).

The bill was read the second time by sections.

On motion of Senator Walgren, the rules were suspended, Engrossed House Bill No. 544 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Van Hollebeke: "Would Senator Walgren yield to a question please? Senator Walgren, I do not know how difficult a question this is, but what might be a typical type of acquisition that they would be interested in?"

Senator Walgren: "Oh, twenty acres of land outside the state of Washington be used for . . ."

Senator Van Hollebeke: "For what purpose?"

Senator Walgren: "Energy exploration, mineral exploration, gas."

Senator Van Hollebeke: "Thank you."

POINT OF INQUIRY

Senator Bluechel: "Will Senator Walgren yield to a question please? Senator, as I understand this bill, it would allow energy combines, one in particular, to acquire energy sources in other states and in Canada, such as uranium mines or—can they operate the mines, and can they refine the ore whether it be—in the case of uranium, and could they operate a coal mine in full scale in Canada or some other state?"

Senator Walgren: I would assume that they could under the authority of this particular act. However, it would seem to me that there is going to be a necessity for any state agency here to join in consort with the particular jurisdiction that might be involved. An

Oregon agency, for instance, or of course a Canadian agency. There may be the requirement, of course, for acquiring land by condemnation and that would have to be done by the particular jurisdictional agency that might be involved in the other state or country.”

Senator Bluechel: “Senator Walgren, I am not against the bill. I just want the members to know that what we are talking about here has the possible expenditures up in the hundreds of millions or even billions of dollars by the time energy sources of what we are looking at will be acquired and operated.”

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 544, and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Clarke, Cunningham, Day, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. “Bob”), Mardesich, Marsh, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—44.

Excused: Senators Bottiger, Buffington, Donohue, Matson, Stortini—5.

ENGROSSED HOUSE BILL NO. 544, having received the 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. 2133, by Senators Lewis (Harry), Rasmussen and Odegaard:

Authorizing payment of claims against state officers or employees from tort claims revolving fund.

MOTIONS

On motion of Senator Rasmussen, Substitute Senate Bill No. 2133 was substituted for Senate Bill No. 2133, and the substitute bill was placed on second reading and read the second time in full.

Senator Walgren moved adoption of the following amendment:

On page 1, line 20, after “state officer” insert “, including state elected officials,”

POINT OF INQUIRY

Senator Woody: “Would Senator Walgren yield to a question? The purpose of your amendment in clarifying the scope of the description of state officer, would that apply as well to wherever the word ‘officer’ is used in section 2, 3, 4, and 5 of the bill?”

Senator Walgren: “Yes, that is the intent.”

The motion by Senator Walgren carried and the amendment was adopted.

On motion of Senator Rasmussen the rules were suspended, Engrossed Substitute Senate Bill No. 2133, 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. 2133, and the bill passed the Senate by the following vote: Yeas, 43; absent or not voting, 1; excused, 5.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Clarke, Cunningham, Day, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. “Bob”), Mardesich, Marsh, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—43.

Absent or not voting: Senator Fleming—1.

Excused: Senators Bottiger, Buffington, Donohue, Matson, Stortini—5.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2133, having received the 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 Walgren, Engrossed House Bill No. 141 was ordered to hold its place on the second reading calendar for Monday, May 5, 1975.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 246, by Judiciary Committee (originally sponsored by Representatives Thompson, Hayner, Adams, Eikenberry, Erickson, Curtis, Haley and Bond):

Requiring plaintiff in medical malpractice action to prove defendant failed to exercise standard of care of profession.

The bill was read the second time by sections.

On motion of Senator Day the rules were suspended, Substitute House Bill No. 246, 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. 246, and the bill passed the Senate by the following vote: Yeas, 40; nays, 1; absent or not voting, 3; excused, 5.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Clarke, Cunningham, Day, Francis, Goltz, Gould, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (R. H. "Bob"), Marsh, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—40.

Voting nay: Senator Grant—1.

Absent or not voting: Senators Fleming, Lewis (Harry), Mardesich—3.

Excused: Senators Bottiger, Buffington, Donohue, Matson, Stortini—5.

SUBSTITUTE HOUSE BILL NO. 246, having received the 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 Day, all measures passed today were ordered immediately transmitted to the House.

SECOND READING

SENATE JOINT MEMORIAL NO. 111, by Senators Guess, Donohue, Jolly, Van Hollebeke, Goltz, Ridder, Stortini, Fleming, Bluechel, Benitz, Francis, Pullen, Beck, Buffington, Odegaard, Matson, Keefe, Wilson, Gould, North, Sellar, Lewis (Harry), Newschwander, Lewis (R. H. "Bob"), Day, Peterson and Murray:

Requesting the President to attend the dedications of Lower Monumental, Little Goose, and Lower Granite Dams.

The memorial was read the second time in full.

On motion of Senator Walgren the rules were suspended, Senate Joint Memorial No. 111, was advanced to third reading, the second reading considered the third, and the memorial was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of Senate Joint Memorial No. 111, and the memorial passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Clarke, Cunningham, Day, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knob-

lauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—44.

Excused: Senators Bottiger, Buffington, Donohue, Matson, Stortini—5.

SENATE JOINT MEMORIAL NO. 111, having received the constitutional majority, was declared passed.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 527, by Committee on Transportation and Utilities (originally sponsored by Representatives Smith, Fortson, Becker, Sommers, Gaspard, Hawkins, North, Wilson, Berentson, Chandler, Charney, Dunlap, Hansey, Leckenby and Sherman):

Requiring pilots and other precautions for tankers entering Puget Sound.

REPORT OF STANDING COMMITTEE

March 25, 1975.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 527, requiring pilots and other precautions for tankers entering Puget Sound (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 8 of the engrossed and printed bill, after "adjacent" strike "inland"

On page 1, line 12 of the engrossed and printed bill, strike "inland"

On page 1, line 16 of the engrossed and printed bill, after "adjacent" strike "inland"

On page 1, line 29, after "navigating on" and before "Puget Sound" insert "certain areas of" and after "adjacent" strike "inland"

On page 2, line 6 of the engrossed and printed bill, after "adjacent" strike "inland"

On page 2, line 14 of the engrossed and printed bill, after "equivalent to" and before "percent" strike "five" and insert "a minimum of three"

On page 2, line 15 of the engrossed and printed bill, after "tanker" and before "while" insert "in constant attendance except that additional tug or tugs shaft horsepower equivalencies may be required under certain conditions as determined by rule and regulation of the Washington utilities and transportation commission pursuant to RCW 34.04,"

On page 2, line 16 of the engrossed and printed bill, after "adjacent" strike "inland"

On page 2, line 17 of the engrossed and printed bill, after "Rock light" and before "and" insert "to Deception island light"

On page 2, line 19, of the engrossed and printed bill, after "required" and before the period insert ": PROVIDED FURTHER, That in the event of strike or insurrection, or in the event of other phenomena in which the tug escort requirement of this section cannot be made by a towboat industry, the provisions of this section shall not apply"

On page 2, line 25 of the engrossed and printed bill, after "bottoms" and before the semicolon insert "under all oil and liquid cargo compartments"

On page 2, line 26 of the engrossed and printed bill, after "operating" and before the semicolon insert ", one of which must be collision avoidance radar"

On page 2, line 32 of the engrossed and printed bill, after "The" strike "board of pilotage commissioners" and insert "Washington utilities and transportation commission"

Signed by: Senators Walgren, Chairman; Henry, Vice Chairman; Beck, Benitz, Bluechel, Bottiger, Jolly, Knoblauch, Morrison, Peterson, Sellar, Wanamaker.

The bill was read the second time by sections.

On motion of Senator Walgren, the committee amendments to page 1, lines 8, 12, 16 and 29; and to page 2, lines 6 and 16 were considered and adopted simultaneously.

Senator Walgren moved that the committee amendment to page 2, line 14 not be adopted.

Debate ensued.

Senator Morrison moved the committee amendment to page 2, line 14 be adopted.

Senator Walgren demanded a roll call and the demand was sustained by Senators Sandison, Knoblauch, Goltz, Rasmussen, North, Wanamaker, Murray, Cunningham and Woody.

MOTION

On motion of Senator Knoblauch, Senator Odegaard was excused.

The President declared the question before the Senate to be the positive motion by Senator Morrison that the committee amendment to page 2, line 14 be adopted.

ROLL CALL

The Secretary called the roll and the motion by Senator Morrison failed by the following vote: Yeas, 10; nays, 33; absent or not voting 1; excused, 5.

Voting yea: Senators Bailey, Benitz, Clarke, Guess, Jolly, Lewis (Harry), Lewis (R. H. "Bob"), Morrison, Newschwander, Sellar—10.

Voting nay: Senators Beck, Bluechel, Bottiger, Cunningham, Day, Fleming, Francis, Goltz, Gould, Grant, Henry, Herr, Jones, Keefe, Knoblauch, Marsh, McDermott, Murray, North, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—33.

Absent or not voting: Senator Mardesich—1.

Excused: Senators Buffington, Donohue, Matson, Odegaard, Stortini—5.

The motion by Senator Walgren carried and the committee amendment to page 2, line 14 was not adopted.

Senator Walgren moved adoption of the committee amendment to page 2, line 15.

Senator Wanamaker moved adoption of the following amendment to the committee amendment:

On page 2, line 15, beginning on the fourth line of the amendment, strike "the Washington utilities and transportation commission" and insert "the board of pilotage commissioners"

Debate ensued.

POINT OF INQUIRY

Senator Wilson: "Would Senator Wanamaker yield? I wonder if you could tell us how the members of the Pilotage Commission are selected and also what their present responsibilities are?"

Senator Wanamaker: "They are selected by the Governor or appointed by the Governor, which two of them are pilots and two of them are shipowners or agents, and of course Mr. Bill Jacobs is the chairman. I have talked with him. He says there has been very few times that he has had to exercise his vote. Therefore, I think with the Governor making these appointments, he certainly is going to have to have some responsibility in the kind of people that he selects, so I see no fear in the people of the pilots or the owners in making up this commission. Furthermore, in talking to the Utilities and Transportation Commission, they also told me that if they did get this it would be very likely that they would have to go to the Pilotage Commission to set up the rules and regulations where they have the expertise to do it."

MOTION

On motion of Senator Mardesich, Substitute House Bill No. 527, together with the pending amendments, was ordered to hold its place on the second reading calendar for Monday, May 5, 1975.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 2125.

SUBSTITUTE SENATE BILL NO. 2183,
 SUBSTITUTE SENATE BILL NO. 2507,
 SENATE BILL NO. 2650,
 SENATE JOINT MEMORIAL NO. 110.

THIRD READING

SUBSTITUTE HOUSE BILL NO. 220, by Committee on Labor (originally sponsored by Representatives Parker, May, Gaines, Kilbury, Adams and Gaspard):

Requiring labor and industries to conduct railroad safety inspections relating to employees.

The time having arrived, the Senate commenced consideration of Substitute House Bill No. 220 on third reading.

MOTION

On motion of Senator Lewis (Harry), Substitute House Bill No. 220 was ordered placed on the third reading calendar for Monday, May 5, 1975.

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

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1078, by Committee on Natural Resources (originally sponsored by Representatives Martinis, Moreau, Kalich, Matthews and Wilson):

Revising the forest practices act.

REPORT OF STANDING COMMITTEE

May 2, 1975.

SUBSTITUTE HOUSE BILL NO. 1078, revising the forest practices act (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass with the following amendments:

Strike everything after the enacting clause and substitute the following:

"Section 1. Section 1, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.010 are each amended to read as follows:

(1) The legislature hereby finds and declares that the forest land resources are among the most valuable of all resources in the state; that a viable forest products industry is of prime importance to the state's economy; that is in the public interest for public and private commercial forest lands to be managed consistent with sound policies of natural resource protection; that coincident with maintenance of a viable forest products industry, it is important to afford protection to forest soils, fisheries, wildlife, water quantity and quality, and air quality [, recreation,]. *Benefiting the above activities and resources will generally enhance recreational opportunities and scenic beauty.*

(2) The legislature further finds and declares it to be in the public interest of this state to create and maintain through the adoption of this chapter a comprehensive statewide system of laws and forest practices regulations which *to the extent feasible* will achieve the following purposes and policies:

(a) Afford protection to, promote, foster and encourage timber growth, and require such minimum reforestation of commercial tree species on forest lands as will reasonably utilize the timber growing capacity of the soil following current timber harvest;

(b) Afford protection to forest soils and public resources by utilizing all reasonable methods of technology in conducting forest practices;

(c) Recognize both the public and private interest in the profitable growing and harvesting of timber:

(d) Promote efficiency by permitting maximum operating freedom consistent with the other purposes and policies stated herein;

(e) Provide for regulation of forest practices so as to avoid unnecessary duplication in such regulation;

(f) Provide for interagency input and intergovernmental coordination and cooperation;

(g) Achieve compliance with all applicable requirements of federal and state law with respect to nonpoint sources of water pollution from forest practices; and

(h) To consider reasonable land use planning goals and concepts contained in local comprehensive plans and zoning regulations.

Sec. 2. Section 2, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.020 are each amended to read as follows:

For purposes of this chapter:

(1) "Appeals board" shall mean the forest practices appeals board created by RCW 76.09.210.

(2) "Commissioner" shall mean the commissioner of public lands.

(3) ["Contiguous" shall mean land adjoining or touching by common corner or otherwise. Land having common ownership divided by a road or other right of way shall be considered contiguous.

(4) "Conversion to a use other than commercial timber operation" shall mean a bona fide conversion to an active use which is incompatible with timber growing and as may be defined by forest practices regulations.

[(5)] (4) "Department" shall mean the department of natural resources.

[(6)] (5) "Forest land" shall mean all land which is capable of supporting a merchantable stand of timber and is not being actively used for a use which is incompatible with timber growing.

[(7)] (6) "Forest land owner" shall mean any person in actual control of forest land, whether such control is based either on legal or equitable title, or on any other interest entitling the holder to sell or otherwise dispose of any or all of the timber on such land in any manner: PROVIDED, That any lessee or other person in possession of forest land without legal or equitable title to such land shall be excluded from the definition of "forest land owner" unless such lessee or other person has the right to sell or otherwise dispose of any or all of the timber located on such forest land.

[(8)] (7) "Forest practice" shall mean any activity conducted on or directly pertaining to forest land and relating to growing, harvesting, or processing timber, including but not limited to:

- (a) Road and trail construction;
- (b) Harvesting, final and intermediate;
- (c) Precommercial thinning;
- (d) Reforestation;
- (e) Fertilization;
- (f) Prevention and suppression of diseases and insects;
- (g) Salvage of trees; and
- (h) Brush control

"Forest practice" shall not include preparatory work such as tree marking, surveying and road flagging, and removal or harvesting of incidental vegetation from forest lands such as berries, ferns, greenery, mistletoe, herbs, mushrooms, and other products which cannot normally be expected to result in damage to forest soils, timber, or public resources.

[(9)] (8) "Forest practices regulations" shall mean any rules promulgated pursuant to RCW 76.09.040.

[(10)] (9) "Application" shall mean the application required pursuant to RCW 76.09.050.

[(11)] (10) "Operator" shall mean any person [engaging in forest practices except an employee with wages as his sole compensation] *having the prime responsibility to accomplish the forest practices to be performed, either directly or indirectly, through employees, agents, or subcontractors. The operator may be the forest land owner or the timber owner if the timber owner retains this responsibility.*

[(12)] (11) "Person" shall mean any individual, partnership, private, public, or

municipal corporation, county, the department or other state or local governmental entity, or association of individuals of whatever nature.

[(13)] (12) "Public resources" shall mean water, fish and wildlife, and in addition shall mean capital improvements of the state or its political subdivisions.

[(14)] (13) "Timber" shall mean forest trees, standing or down, of a commercial species, including Christmas trees.

[(15)] (14) "Timber owner" shall mean any person having all or any part of the legal interest in timber. Where such timber is subject to a contract of sale, "timber owner" shall mean contract purchaser.

[(16)] (15) "Board" shall mean the forest practices board [created in RCW 76.09.030] *and, after the dissolution of the forest practices board as provided in section 20 of this 1975 amendatory act "board" shall mean the board of natural resources as provided in RCW 43.30.040.*

Sec. 3. Section 4, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.040 are each amended to read as follows:

(1) Where necessary to accomplish the purposes and policies stated in RCW 76.09.010, and to implement the provisions of this chapter, the board shall promulgate forest practices regulations establishing minimum standards for forest practices and setting forth necessary administrative provisions, pursuant to chapter 34.04 RCW and in accordance with the procedures enumerated in this section and RCW 76.09.200. [Forest practices regulations pertaining to water quality protection shall be promulgated individually by the board and by the department of ecology after they have reached agreement with respect thereto.] All [other] forest practices regulations shall be promulgated by the board.

Forest practices regulations shall be administered and enforced by the department except as otherwise provided in this chapter. Such regulations shall be promulgated and administered so as to give consideration to all purposes and policies set forth in RCW 76.09.010.

(2) The board, *assisted by the department*, shall prepare proposed forest practices regulations. [In addition to any forest practices regulations relating to water quality protection proposed by the board, the department of ecology shall prepare proposed forest practices regulations relating to water quality protection.]

Prior to initiating the rule making process, the proposed regulations shall be submitted for review and comments to the department of fisheries, the department of game, *the department of ecology*, and to the counties of the state. After receipt of the proposed forest practices regulations, the departments of fisheries [and], game, *ecology*, and the counties of the state shall have thirty days in which to review and submit comments to the board [, and to the department of ecology with respect to its proposed regulations relating to water quality protection.] After the expiration of such thirty day period the board [and] *through* the department [of ecology] shall [jointly] hold one or more hearings on the proposed regulations pursuant to chapter 34.04 RCW. At such hearing(s) any county may propose specific forest practices regulations relating to problems existing within such county. The board [and the department of ecology] may adopt such proposals if they find the proposals are consistent with the purposes and policies of this chapter.

Sec. 4. Section 5, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.050 are each amended to read as follows:

(1) The board shall establish by rule which forest practices shall be included within each of the following classes:

Class I: Minimal or specific forest practices *that have no direct potential for damaging a public resource* that may be conducted without submitting an application [: PROVIDED, That no forest practice shall be within Class I if it has a direct potential for damaging a public resource].

Class II: Forest practices [for] which [the application must be approved or disapproved by the department within fourteen calendar days from the date the department receives the application] *may have a moderate potential for damaging a public resource that may be conducted after notification by the operator to the department in writing in*

the manner, content, and form as prescribed by the department before commencing operations without submitting an application: PROVIDED, That such classification shall not include forest practices on lands platted after January 1, 1960, or being converted to another use: or include those forest practices which would require approvals under the provisions of RCW 75.20.100.

Class III: Forest practices [for which the] *other than those contained in Class I, II, or IV. Such application must be approved or disapproved by the department within [thirty] fourteen calendar days from the date the department receives the application.*

Class IV: Forest practices other than those contained in Class I or II on lands platted after January 1, 1960, or being converted to another use. Such application must be approved or disapproved by the department within thirty calendar days from the date the department receives the application.

(2) No Class II [or], Class III, or Class IV forest practice shall be commenced or continued after January 1, 1975 unless the department has received a notification with regard to a Class II forest practice or approved an application containing all information required by RCW 76.09.060 as now or hereafter amended: PROVIDED, That any person commencing a forest practice during 1974 may continue such forest practice until April 1, 1975, if such person has submitted an application to the department prior to January 1, 1975: PROVIDED, FURTHER, That in the event forest practices regulations necessary for the scheduled implementation of this chapter and RCW 90.48.420 have not been adopted in time to meet such schedules, the department shall have the authority to approve applications on such terms and conditions consistent with this chapter and RCW 90.48.420 and the purposes and policies of RCW 76.09.010 as now or hereafter amended until applicable forest practices regulations are in effect.

(3) *Forest practices shall be conducted in accordance with the forest practices regulations and orders and directives of the department as authorized by this chapter, the forest practices regulations, and the terms and conditions of any approved applications.*

(4) The department of natural resources shall notify the applicant in writing of either its approval of the application or its disapproval of the application and the specific manner in which the application fails to comply with the provisions of this section or with the forest practices regulations. If the department fails to either approve or disapprove an application or any portion thereof within the applicable time limit, then, on petition of the applicant the chairman of the appeals board shall issue an order directing the department to approve or disapprove the application within five days or issue a temporary approval until the application is either finally approved or disapproved: PROVIDED, That the temporary approval shall be issued only if it meets the conditions set by the board for such temporary approvals: PROVIDED, FURTHER, That the department shall have until April 1, 1975 to approve or disapprove an application involving forest practices allowed to continue to April 1, 1975 under the provisions of subsection (2) of this section. Upon receipt of any satisfactorily completed application the department shall in any event no later than two business days after such receipt transmit a copy to the departments of ecology, game, and fisheries, and to the county in which the forest practice is to be commenced. Any comments by such agencies shall be directed to the department of natural resources.

[(4)] (5) If the county believes that an application is inconsistent with this chapter, the forest practices regulations, or any local authority consistent with RCW 76.09.240 as now or hereafter amended, it may so notify the department and the applicant, specifying its objections.

[(5)] (6) The department shall not approve portions of applications to which the county objects if:

(a) The department receives written notice from the county of such objections within [seven business days for a Class II or] fourteen business days for a Class [III] IV application from the time of its transmittal to the county, or one day before the department acts on the application, whichever is later; and

(b) The objections relate to lands either:

(i) Platted after January 1, 1960; or

(ii) Being converted to another use.

The department shall either disapprove those portions of such application or appeal the county objections to the appeals board. If the objections *related to subparagraph (b)(i) and (ii) of this subsection* are based on local authority consistent with RCW 76.09.240 *as now or hereafter amended*, the department shall disapprove the application until such time as the county consents to its approval or such disapproval is reversed on appeal. The applicant shall be a party to all department appeals of county objections. Unless the county either consents or has waived its rights under this subsection, the department shall not approve portions of an application affecting such lands until the minimum time for county objections has expired.

[(6)] (7) In addition to any rights under the above paragraph, the county may appeal any department approval of an application with respect to any lands within its jurisdiction. The appeals board may suspend the department's approval in whole or in part pending such appeal where there exists potential for immediate and material damage to a public resource.

[(7)] (8) Appeals under this section shall be made to the appeals board in the manner and time provided in RCW 76.09.220(9) *as now or hereafter amended*. In such appeals there shall be no presumption of correctness of either the county or the department position.

[(8)] (9) The department shall, within four business days notify the county of all *notifications*, approvals and disapprovals of an application affecting lands within the county, except to the extent the county has waived its right to such notice.

[(9)] (10) A county may waive in whole or in part its rights under this section, and may withdraw or modify any such waiver, at any time by written notice to the department.

Sec. 5. Section 6, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.060 are each amended to read as follows:

(1) The department shall prescribe the form and contents of the *notification and application*. The forest practices regulations shall specify by whom and under what conditions the *notification and application* shall be signed. The application *or notification* shall be delivered in person or sent by certified mail to the department. The information required may include, but shall not be limited to:

- (a) Name and address of the forest land owner, timber owner, and operator;
- (b) Description of the proposed forest practice or practices to be conducted;
- (c) Legal description of the land on which the forest practices are to be conducted;
- (d) Planimetric and topographic maps showing location and size of all lakes and streams and other public waters in and immediately adjacent to the operating area and showing all existing and proposed roads and tractor roads;
- (e) Description of the silvicultural, harvesting, or other forest practice methods to be used, including the type of equipment to be used and materials to be applied;
- (f) Proposed plan for reforestation and for any revegetation necessary to reduce erosion potential from roadsides and yarding roads, as required by the forest practices regulations;
- (g) Soil, geological, and hydrological data with respect to forest practices;
- (h) The expected dates of commencement and completion of all forest practices specified in the application;
- (i) Provisions for continuing maintenance of roads and other construction *or other measures necessary* to afford protection to public resources; and
- (j) An affirmation that the statements contained in the *notification or application* are true.

(2) At the option of the applicant, the application *or notification* may be submitted to cover a single forest practice or any number of forest practices within reasonable geographic or political boundaries as specified by the department. Long range plans may be submitted to the department for review and consultation.

(3) The application shall indicate whether any land covered by the application will be converted or is intended to be converted to a use other than commercial timber production within three years after completion of the forest practices described in it. (a) If the application states that any such land will be or is intended to be so converted:

(i) The reforestation requirements of this chapter and of the forest practices regulations shall not apply if the land is in fact so converted unless applicable alternatives or limitations are provided in forest practices regulations issued under RCW 76.09.070 *as now or hereafter amended*;

(ii) Completion of such forest practice operations shall be deemed conversion of the lands to another use for purposes of chapters 84.28, 84.33 and 84.34 RCW unless the conversion is to a use permitted under a current use tax agreement permitted under chapter 84.34 RCW;

(iii) The forest practices described in the application are subject to applicable county, city and regional governmental authority permitted under RCW 76.09.240 *as now or hereafter amended* as well as the forest practices regulations.

(b) If the application does not state that any land covered by the application will be or is intended to be so converted:

(i) For six years after the date of the application the county or city and regional governmental entities may deny any or all applications for permits or approvals, including building permits and subdivision approvals, relating to nonforestry uses of land subject to the application;

(ii) Failure to comply with the reforestation requirements contained in any final order or decision shall constitute a removal from classification under the provisions of RCW 84.28.065, a removal of designation under the provisions of RCW 84.33.140, and a change of use under the provisions of RCW 84.34.080, and, if applicable, shall subject such lands to the payments and/or penalties resulting from such removals or charges; and

(iii) Conversion to a use other than commercial timber operations within three years after completion of the forest practices without the consent of the county or municipality shall constitute a violation of each of the county, municipal and regional authorities to which the forest practice operations would have been subject if the application had so stated.

(4) The application shall be either signed by the forest land owner or accompanied by a statement signed by the forest land owner indicating his intent with respect to conversion and acknowledging that he is familiar with the effects of this subsection.

(5) Whenever an approved application authorizes a forest practice which, because of soil condition, proximity to a water course or other unusual factor, has a greater than ordinary potential for causing material damage to a public resource, as determined by the department, the applicant shall notify the department five days before the commencement of actual operations.

(6) Before commencing any forest practice in a manner or to an extent significantly different from that described in a previously approved application *or notification*, the applicant shall submit to the department a new application *or notification* form in the manner set forth in this section.

(7) The *notification to or the approval* given by the department to an application to conduct a forest practice shall be effective for a term of one year from the date of approval *or notification* and shall not be renewed unless a new application is filed and approved *or a new notification has been filed*.

(8) Notwithstanding any other provision of this section, no prior application shall be required for any emergency forest practice necessitated by fire, flood, windstorm, earthquake, or other emergency as defined by the board, but the operator shall submit an application *or notification, whichever is applicable* to the department within forty-eight hours after commencement of such practice.

Sec. 6. Section 7, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.070 are each amended to read as follows:

After the completion of a logging operation, satisfactory reforestation as defined by the rules and regulations promulgated by the board shall be completed within three years: PROVIDED, That a longer period may be authorized if seed or seedlings are not available: PROVIDED FURTHER, That a period of up to five years may be allowed where a natural regeneration plan is approved by the department. Upon the completion of a reforestation operation a report on such operation shall be filed with the department

of natural resources. within [six] *twelve* months of receipt of such a report the department shall inspect the reforestation operation, and shall determine either that the reforestation operation has been properly completed or that further reforestation and inspection is necessary.

The forest practices regulations may provide alternatives to or limitations on the applicability of reforestation requirements with respect to forest lands being converted in whole or in part to another use which is compatible with timber growing.

The forest practices regulations may identify classifications and/or areas of forest land that have the potential for future conversion to urban development on which reforestation requirements may be modified or eliminated: PROVIDED, That in such modifications or limitations on reforestation reasonable land use planning goals and concepts shall be considered.

Sec. 7. Section 8, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.080 are each amended to read as follows:

(1) The department shall have the authority to serve upon an operator a stop work order which shall be a final order of the department if:

(a) There is any violation of the provisions of this chapter or the forest practices regulations; or

(b) There is a deviation from the approved application; or

(c) Immediate action is necessary to prevent continuation of or to avoid material damage to a public resource.

(2) The stop work order shall set forth:

(a) The specific nature, extent, and time of the violation, deviation, damage, or potential damage;

(b) An order to stop all work connected with the violation, deviation, damage, or potential damage;

(c) The specific course of action needed to correct such violation or deviation or to prevent damage and to correct and/or compensate for damage to public resources which has resulted from any violation or unauthorized deviation; and those courses of action necessary to prevent continuing damage to public resources where the damage has not resulted from any violation, unauthorized deviation, or negligence; and

(d) The right of the operator to a hearing before the appeals board.

The department shall immediately file a copy of such order with the appeals board and mail a copy thereof to the timber owner and forest land owner at the addresses shown on the application. The operator, timber owner, or forest land owner may commence an appeal to the appeals board within fifteen days after service upon the operator. If such appeal is commenced, a hearing shall be held not more than twenty days after copies of the notice of appeal were filed with the appeals board. Such proceeding shall be a contested case within a meaning of chapter 34.04 RCW. The operator shall comply with the order of the department immediately upon being served, but the appeals board if requested shall have authority to continue or discontinue in whole or in part the order of the department under such conditions as it may impose pending the outcome of the proceeding.

Sec. 8. Section 9, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.090 are each amended to read as follows:

If a violation, a deviation, material damage or potential for material damage to a public resource has occurred and the department determines that a stop work order is unnecessary, then the department shall issue and serve upon the operator a notice, which shall clearly set forth:

(1) (a) The specific nature, extent, and time of failure to comply with the approved application; or identifying the damage or potential damage; and/or

(b) The relevant provisions of this chapter or of the forest practice regulations relating thereto;

(2) The right of the operator to a hearing before the department pursuant to chapter 34.04 RCW; and

(3) The specific course of action ordered by the department to be followed by the operator to correct such failure to comply and to prevent, correct and/or compensate

for material damage to public resources which resulted from *any violations or unauthorized deviations from forest practices and those courses of action necessary to prevent continuing damage to public resources where the damage has not resulted from any violation, unauthorized deviation, or negligence.*

The department shall mail a copy thereof to the forest land owner and the timber owner at the addresses shown on the application, showing the date of service upon the operator. Such notice to comply shall become a final order of the department and such operator shall undertake the course of action so ordered by the department unless, within fifteen days after the date of service of such notice to comply, the operator, forest land owner, or timber owner, shall request the department in writing to schedule a hearing. If so requested, the department shall schedule a hearing on a date not more than twenty days after receiving such request. Within ten days after such hearing, the department shall issue a final order either withdrawing its notice to comply or clearly setting forth the specific course of action to be followed by such operator. Such operator shall undertake the course of action so ordered by the department unless within thirty days after the date of such final order, the operator, forest land owner, or timber owner appeals such final order to the appeals board.

Sec. 9. Section 14, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.140 are each amended to read as follows:

(1) The department of natural resources, through the attorney general, may take any necessary action to enforce any final order or final decision, or to enjoin any forest practices by any person for a one year period after such person has failed to comply with a final order or final decision.

(2) [The department of ecology, through the attorney general, may take any necessary action to enforce any final order of such department or any final decision of the pollution control hearings board relating to water quality protection, or to enjoin any forest practices relating to water quality protection by any person for a one year period after such person has failed to comply with a final order or final decision.

(3) A county may bring injunctive, declaratory, or other actions for enforcement for forest practice activities within its jurisdiction in the superior court as provided by law against the department [or the department of ecology], the forest land owner, timber owner or operator to enforce the forest practice regulations or any final order of the department, or [the department of ecology.] the appeals board [or the pollution control hearings board]: PROVIDED, That no civil or criminal penalties shall be imposed for past action or omissions if such actions or omissions were conducted pursuant to an approval or directive of the department of natural resources [or department of ecology]: AND PROVIDED FURTHER, That such actions shall not be commenced unless the department [or the department of ecology] fails to take appropriate action after ten days written notice to the respective department by the county of a violation of the forest practices regulations or final orders of the department [or the department of ecology] or the appeals board [or the pollution control hearings board].

Sec. 10. Section 17, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.170 are each amended to read as follows:

Every person who fails to comply with any provision of RCW 76.09.010 through 76.09.280 as now or hereafter amended or of the forest practices regulations shall be subject to a penalty in an amount of not more than one thousand dollars per day for every such violation. Each and every such violation shall be a separate and distinct offense. In case of a continuing violation, every day's continuance shall be a separate and distinct violation. Every person who through an act of commission or omission procures, aids or abets in the violation shall be considered to have violated the provisions of this section and shall be subject to the penalty herein provided for: PROVIDED, That no penalty shall be imposed under this section upon any governmental official, an employee of any governmental department, agency, or entity, or a member of any board or advisory committee created by this chapter for any act or omission in his duties in the administration of this chapter or of any regulation promulgated thereunder.

The penalty herein provided for shall be imposed by a notice in writing, either by

certified mail with return receipt requested or by personal service, to the person incurring the same from the department [of natural resources, or the department of ecology if water quality protection is involved,] describing the violation with reasonable particularity. Within fifteen days after the notice is received, the person incurring the penalty may apply in writing to the department [imposing the penalty] for the remission or mitigation of such penalty. Upon receipt of the application, that department may remit or mitigate the penalty upon whatever terms that department in its discretion deems proper, provided that department [imposing the penalty] deems such remission or mitigation to be in the best interests of carrying out the purposes of this chapter. The department [of natural resources and the department of ecology] shall have authority to ascertain the facts regarding all such applications in such reasonable manner and under such regulations as they may deem proper.

Any person incurring any penalty hereunder may appeal the same to the forest practices appeals board [. PROVIDED, That the appeal of any penalty imposed by the department of ecology relating to water quality protection shall be to the pollution control hearings board] .

Such appeals shall be filed within thirty days of receipt of notice imposing any penalty unless an application for remission or mitigation is made to the department [or the department of ecology] . When such an application for remission or mitigation is made, such appeals shall be filed within thirty days of receipt of notice from the department [or the department of ecology] setting forth the disposition of the application.

Any penalty imposed hereunder shall become due and payable thirty days after receipt of a notice imposing the same unless application for remission or mitigation is made or an appeal is filed. When such an application for remission or mitigation is made, any penalty incurred hereunder shall become due and payable thirty days after receipt of notice setting forth the disposition of such application unless an appeal is filed from such disposition. Whenever an appeal of any penalty incurred hereunder is filed, the penalty shall become due and payable only upon completion of all review proceedings and the issuance of a final decision confirming the penalty in whole or in part.

If the amount of any penalty is not paid to the department [or the department of ecology] within thirty days after it becomes due and payable, the attorney general, upon the request of the [respective director] *department*, shall bring an action in the name of the state of Washington in the superior court of Thurston county or of any county in which such violator may do business, to recover such penalty. In all such actions the procedure and rules of evidence shall be the same as an ordinary civil action except as otherwise in this chapter provided.

Sec. 11. Section 18, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.180 are each amended to read as follows:

All penalties received or recovered by state agency action for violations as prescribed in RCW 76.09.170 *as now or hereafter amended* shall be deposited in the state general fund. All such penalties recovered [as a result of local government action] *by local government* shall be deposited in the local government general fund. Any funds recovered as reimbursement for damages pursuant to RCW 76.09.080 and 76.09.090 *as now or hereafter amended* shall be transferred to the agency with jurisdiction over the public resource damaged, including but not limited to political subdivisions, the department of game, the department of fisheries, the department of ecology, the department of natural resources, or any other department that may be so designated [. PROVIDED, That nothing herein shall be construed to affect the provisions of RCW 90.40. 142] .

Sec. 12. Section 22, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.220 are each amended to read as follows:

(1) The appeals board shall operate on either a part time or a full time basis, as determined by the governor. If it is determined that the appeals board shall operate on a full time basis, each member shall receive an annual salary to be determined by the governor. If it is determined that the appeals board shall operate on a part time basis, each member shall receive compensation on the basis of seventy-five dollars for each day spent in performance of his duties: PROVIDED, That such compensation shall not exceed ten thousand dollars in a fiscal year. Each member shall receive reimbursement for

travel and other expenses incurred in the discharge of his duties in accordance with the provisions of chapter 43.03 RCW.

(2) The appeals board may appoint, discharge, and fix the compensation of an executive secretary, a clerk, and such other clerical, professional, and technical assistants as may be necessary. As specified in RCW 41.06.073, such employment shall be in accordance with the rules of the state civil service law, chapter 41.06 RCW.

(3) The appeals board shall as soon as practicable after the initial appointment of the members thereof, meet and elect from among its members a chairman, and shall at least biennially thereafter meet and elect or reelect a chairman.

(4) The principal office of the appeals board shall be at the state capital, but it may sit or hold hearings at any other place in the state. A majority of the appeals board shall constitute a quorum for making orders or decisions, promulgating rules and regulations necessary for the conduct of its powers and duties, or transacting other official business, and may act though one position on the board be vacant. One or more members may hold hearings and take testimony to be reported for action by the board when authorized by rule or order of the board. The appeals board shall perform all the powers and duties granted to it in this chapter or as otherwise provided by law.

(5) The appeals board shall make findings of fact and prepare a written decision in each case decided by it, and such findings and decision shall be effective upon being signed by two or more members and upon being filed at the appeals board's principal office, and shall be open to public inspection at all reasonable times.

(6) The appeals board shall either publish at its expense or make arrangements with a publishing firm for the publication of those of its findings and decisions which are of general public interest, in such form as to assure reasonable distribution thereof.

(7) The appeals board shall maintain at its principal office a journal which shall contain all official actions of the appeals board, with the exception of findings and decisions, together with the vote of each member on such actions. The journal shall be available for public inspection at the principal office of the appeals board at all reasonable times.

(8) The forest practices appeals board shall have exclusive jurisdiction to hear appeals arising from an action or determination by the department [, and the pollution control hearings board established by RCW 43.24B.040 shall have exclusive jurisdiction to hear appeals arising from an action or determination by the department of ecology].

(9) (a) Any person aggrieved by the approval or disapproval of an application to conduct a forest practice may seek review from the appeals board by filing a request for the same within thirty days of the approval or disapproval. Concurrently with the filing of any request for review with the board as provided in this section, the requestor shall file a copy of his request with the department and the attorney general. The attorney general may intervene to protect the public interest and insure that the provisions of this chapter are complied with.

(b) The review proceedings authorized in subparagraph (a) of this subsection are subject to the provisions of chapter 34.04 RCW pertaining to procedures in contested cases.

Sec. 13. Section 24, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.240 are each amended to read as follows:

No county, city, municipality or other local or regional governmental entity shall adopt or enforce any law, ordinance, or regulation pertaining to forest practices, except that to the extent otherwise permitted by law, such entities may exercise any:

(1) Land use planning or zoning authority: PROVIDED, That exercise of such authority may regulate forest practices only: (a) Where the application submitted under RCW 76.09.060 *as now or hereafter amended* indicates that the lands will be converted to a use other than commercial timber production; or (b) on lands which have been platted after January 1, 1960 [; or (c) on tracts of forest land not otherwise covered under subsections (a) and (b) and less than twenty acres including road rights of way in contiguous ownership not classified, designated and taxed under chapter 84.34 RCW, chapter 84.33 RCW, or chapter 84.28 RCW]: PROVIDED, That no permit system solely for forest practices shall be allowed; that any additional or more stringent regulations

shall not be inconsistent with the forest practices regulations enacted under this chapter; and such local regulations shall not unreasonably prevent timber harvesting;

(2) Taxing powers;

(3) Regulator authority with respect to public health; and

(4) Authority, if any, to regulate road construction within the shoreline area or enforce the provisions of RCW 90.58.150 granted by chapter 90.58 RCW, the "Shoreline Management Act of 1971".

Sec. 14. Section 26, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.260 are each amended to read as follows:

The department shall represent the state's interest in matters pertaining to forestry and forest practices, including federal matters, and may consult with and cooperate with the federal government and other states, as well as other public agencies, in the study and enhancement of forestry and forest practices. The department is authorized to accept, receive, disburse, and administer grants or other funds or gifts from any source, including private individuals or agencies, the federal government, and other public agencies for the purposes of carrying out the provisions of this chapter.

Nothing in this chapter shall modify the designation of the department of ecology as the agency representing the state for all purposes of the Federal Water Pollution Control Act: *PROVIDED, That the department of ecology shall consult with the department relative to state actions, responses, or recommendations to the federal government concerning nonpoint pollution from silvicultural activities.*

Sec. 15. Section 32, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.910 are each amended to read as follows:

Nothing in RCW 76.09.010 through 76.09.280 as now or hereafter amended shall modify any requirements to [obtain permits] *comply with the Shoreline Management Act of 1971 with respect to road construction within the shoreline area or the provisions of RCW 90.58.150, or any violations that may be found, under [the Shoreline Management Act of 1971 (chapter 90.50 RCW),] the Hydraulics Act (RCW 75.20.100), other state statutes in effect on January 1, 1975, and any local ordinances not inconsistent with RCW 76.09.240 as now or hereafter amended: PROVIDED, That the department under guidelines and criteria established by the departments of fisheries and game shall administer the provisions of RCW 75.20.100 regarding forest practice projects or other works requiring approvals therein.*

NEW SECTION. Sec. 16. There is added to chapter 137, Laws of 1974 ex. sess. and chapter 76.09 RCW a new section to read as follows:

Forest practice operations conducted in compliance with the forest practice rules and regulations shall be considered to be in compliance with the state environmental policy act and further, shall not be subject to the requirements of an environmental impact statement.

NEW SECTION. Sec. 17. There is added to chapter 137, Laws of 1974 ex. sess. and to chapter 76.09 RCW a new section to read as follows:

The department shall survey, monitor, and prepare an analysis of all silvicultural nonpoint pollution activities and control programs in the state, and report and recommend to the forest practices board and to the governor any corrective action deemed necessary.

Sec. 18. Section 30, chapter 137, Laws of 1974 ex. sess. and RCW 90.48.420 are each amended to read as follows:

(1) The department of ecology, pursuant to powers vested in it previously by chapter 90.48 RCW and consistent with the policies of said chapter and RCW 90.54.020(3), shall be solely responsible for establishing water quality standards for waters of the state. On or before January 1, 1975, the department of ecology shall examine existing regulations containing water quality standards and other applicable rules and regulations of said department pertaining to waters of the state affected by nonpoint sources of pollution arising from forest practices and, when it appears appropriate to the department of ecology, modify said regulations for such purposes. In any such examination or modification the department of ecology shall consider such factors,

among others, as uses of the receiving waters, diffusion, down-stream cooling, and reasonable transient and short-term effects resulting from forest practices.

Promulgation of forest practices regulations by the [department of ecology and the] forest practices board, shall be accomplished so that *to the extent feasible* compliance with such forest practice regulations will achieve compliance with [such water quality standards] *water pollution control laws*.

(2) The department of ecology shall monitor water quality to determine whether revisions in such water quality standards or revisions in such forest practices regulations are necessary to accomplish the foregoing result, and either promulgate appropriate revisions to such water quality standards or propose appropriate revisions to such forest practices regulations or both.

(3) Notwithstanding any other provisions of chapter 90.48 RCW or of the rules and regulations promulgated thereunder, no permit system pertaining to nonpoint sources of pollution arising from forest practices shall be authorized, and no civil or criminal penalties shall be imposed with respect to any forest practices conducted in full compliance with the applicable provisions of RCW 76.09.010 through 76.09.280, forest practices regulations, and any approvals or directives of the department of natural resources thereunder.

(4) Prior to the department of ecology taking action under statutes or regulations relating to water quality, regarding violations of water quality standards arising from forest practices, the department of ecology shall notify the department of natural resources.

NEW SECTION. Sec. 19. There is added to chapter 137, Laws of 1974 ex. sess. and to chapter 76.09 RCW a new section to read as follows:

This chapter and the forest practices regulations promulgated thereunder shall constitute and shall be used to fulfill planning and program requirements of the federal water pollution control act relative to regulation of nonpoint pollution from silvicultural activities.

NEW SECTION. Sec. 20. There is added to chapter 137, Laws of 1974 ex. sess. and to chapter 76.09 RCW a new section to read as follows:

Notwithstanding the repeal of RCW 76.09.030 as of the effective date of this 1975 amendatory act, it is the intent of the legislature that the forest practices board shall continue to operate until such board has completed the adoption of the initial forest practice regulations. Upon the filing of a complete set of such regulations in the office of the code reviser the board shall certify to the director of the office of program planning and fiscal management that the provisions of this section have been complied with. On the date of receipt of such certification by the office of program planning and fiscal management the forest practices board is hereby declared to be abolished. All powers, duties, and functions of the board are hereby transferred to the board of natural resources as of the date the director of the office of program planning and fiscal management receives such certification from the forest practices board. The forest practice regulations adopted by the forest practices board shall continue to be valid and in full force and effect until they are amended or repealed by action of the board of natural resources.

NEW SECTION. Sec. 21. The following acts or parts of acts are each hereby repealed:

(1) Section 3, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.030: PRO-VIDED, That such repealer shall not affect any contractual obligation existing on the effective date of this section or invalidate any act taken by the forest practices board prior to the effective date of this section;

(2) Section 10, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.100; and

(3) Section 16, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.160."

In line 1 of the title, strike all after "An Act relating to" down to the period on line 11 and substitute "forest practices; amending section 1, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.010; amending section 2, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.020; amending section 4, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.040; amending section 5, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.050; amending section 6, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.060; amending

section 7, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.070; amending section 8, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.080; amending section 9, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.090; amending section 14, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.140; amending section 17, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.170; amending section 18, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.180; amending section 22, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.220; amending section 24, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.240; amending section 26, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.260; amending section 32, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.910; amending section 30, chapter 137, Laws of 1974 ex. sess. and RCW 90.48.420; adding new sections to chapter 137, Laws of 1974 ex. sess. and to chapter 76.09 RCW; repealing section 3, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.030; repealing section 10, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.100; and repealing section 16, chapter 137, Laws of 1974 ex. sess. and RCW 76.09.160"

Signed by: Senators Peterson, Chairman; Beck, Lewis (Harry), Pullen, Rasmussen.
The bill was read the second time by sections.
Senator Peterson moved adoption of the committee amendment.

MOTION

On motion of Senator Lewis (R. H. "Bob"), Senator Wanamaker was excused.

MOTION

Senator Cunningham moved that further consideration of Substitute House Bill No. 1078 be made a special order of business for Tuesday, May 6, 1975.

Senator Bailey moved that the motion by Senator Cunningham be amended and Substitute House Bill No. 1078 be made a special order of business for Monday, May 5, 1975.

On motion of Senator Peterson, Substitute House Bill No. 1078 will be considered the first order of business on Monday, May 5, 1975.

MOTION

On motion of Senator Guess, the Notice of Reconsideration by Senator Cunningham on Engrossed Substitute Senate Bill No. 2376 will be delayed until Monday, May 5, 1975.

MOTION

At 3:40 p.m., on motion of Senator Mardesich, the Senate recessed until 4:00 p.m. The President called the Senate to order at 4:00 p.m.
There being no objection, the Senate returned to the first order of business.

REPORTS OF STANDING COMMITTEES

May 1, 1975.

SENATE BILL NO. 2469, revising law relating to handling of trusts by mutual savings banks (reported by Committee on Financial Institutions):

MAJORITY recommendation: That Substitute Senate Bill No. 2469 be substituted therefor and the substitute bill do pass.

Signed by: Senators Woody, Chairman; Bluechel, Clarke, Herr, Walgren.
Passed to Committee on Rules for second reading.

May 1, 1975.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 29, making the gambling com-

mission independent of the department of motor vehicles (reported by Committee on State Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Rasmussen, Chairman; Cunningham, Day, Henry, Knoblauch, Wanamaker.

Passed to Committee on Rules for second reading.

May 1, 1975.

SUBSTITUTE HOUSE BILL NO. 126, making it unlawful to display indecent material (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Francis, Chairman; Buffington, Jones, Marsh, Scott, Woody.

Passed to Committee on Rules for second reading.

April 29, 1975.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 479, relating to the qualifications of jurors (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Buffington, Fleming, Jones, Scott.

Passed to Committee on Rules for second reading.

May 1, 1975.

ENGROSSED HOUSE BILL NO. 561, permitting wine and beer in specified amounts to be brought into the state from foreign countries without duty (reported by Committee on Commerce):

RECOMMENDATION: Do pass.

Signed by: Senators Van Hollebeke, Chairman; Cunningham, Morrison, Peterson, Ridder.

Passed to Committee on Rules for second reading.

May 2, 1975.

ENGROSSED HOUSE BILL NO. 988, providing for presidential primaries (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with Senate amendment.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Wilson, Second Vice Chairman; Bailey, Fleming, Mardesich, Marsh, Rasmussen, Sandison, Washington, Woody.

MOTION

On motion of Senator Mardesich, the Senate resumed consideration on second reading of Engrossed House Bill No. 988 as amended.

On Wednesday, April 30, 1975, on motion of Senator Jones, Engrossed House Bill No. 988 was referred to the Committee on Ways and Means. At that time, the motion by Senator Jones was amended by Senator Bailey that the Committee on Ways and Means return the bill to the Senate floor on Friday, May 2, 1975 with recommendation.

Senator Francis moved adoption of the following amendment:

Strike all of section 3.

Debate ensued.

MOTIONS

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

On motion of Senator Mardesich, Senator Resolution 1975-41, regarding motor common carriers regulation investigation; and Senate Resolution 1975-42, regarding

commendation of the 200th anniversary of the Marine Corps, were referred to the Committee on Rules.

On motion of Senator Mardesich, all members and the Lieutenant Governor were permitted as additional sponsors to Senate Resolution 1975-43.

Senator Keefe moved adoption of the following resolution:

SENATE RESOLUTION 1975-43

By President Cherberg, Senators Guess, Day, Lewis (R. H. "Bob"), Keefe, Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Donohue, Fleming, Francis, Goltz, Gould, Grant, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson and Woody:

WHEREAS, Dr. David C. Cowen, a good friend and former colleague, passed away this first day of May, 1975; and

WHEREAS, Dr. Cowen was a renowned philanthropist, civic leader and beneficent legislator; and

WHEREAS, His service to his district and his state as a devoted and dedicated public servant included thirty years as a legislator; and

WHEREAS, His many years of service on the local planning commission contributed immensely to the improvement of the city of Spokane; and

WHEREAS, Dr. Cowen was a noted and respected professional man in the city of Spokane who donated to his city a beautiful park for the use and benefit of all of the citizens; and

WHEREAS, His kindness and good deeds for many thousands of people earned him the love and affection of the people throughout the state from all walks of life; and

WHEREAS, Many young people owe their opportunity for a higher education to his generosity and establishment of scholarships; and

WHEREAS, Gifts of watches to the pages at the legislature was a typical gesture on the part of Doctor Cowen, showing his love for young people, as were his countless thousands of meals which he gave to the poor people in the community of Spokane throughout his life; and

WHEREAS, It is fitting and proper that we pause in memory of our former colleague, Dr. David C. Cowen, whose death to all of us, is a great sorrow;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington in legislative session assembled, that the members of the Senate do hereby extend to Dr. Cowen's devoted wife, Anna Louise, their commiseration with her loss and assure her that the passing of Davey has saddened the many who knew and admired and loved him;

BE IT FURTHER RESOLVED, That the Secretary of the Senate be and he is hereby instructed to send a copy of this resolution to Mrs. Anna Louise Cowen.

REMARKS BY SENATOR GUESS

Senator Guess: "Mr. President, when I first came to the Senate and sat on the back row back there, Davey's vote always preceded that of mine and we sometimes had a little trouble getting our signals together and I can remember one time that Davey voted like I did not think he really wanted to vote and I saw he was busy and did not catch the drift of the bill when it was announced, and so I said something and I did not mean to say it but it turned out to be a little bit sharp to Davey and he told me, 'Well, why don't you vote first from now on?' I told him that was not possible but he said 'All you have to do is change your name to put that C there,' and he said 'I can arrange to do a little something about that.' After that Davey and myself would compare votes and although he was on that side of the aisle and I on this, Davey was a conservative and he did have the consideration of the people at home very much in his heart at all times.

"I can remember the year before I came down here, some of the things that I was visiting with Davey and he was giving me advice on the operation of the Senate and

would let drop once in a while advice to me and I was rather amazed at the closeness of our thinking and what I thought government ought to be, he thought the same way, that government ought to be in that direction. He was concerned about those people who did not have the means and he extended his hand to many people unbeknownst to the most of us and certainly over the years did a tremendous amount of good.

"I can remember Davey up in the area in which I live taking over a very rough piece of terrain, ground, it had a platform or bank on it, it was all weeds and a real eyecore in the community along the High Drive overlooking Hangman Creek; and through the use of a number of men from down on skidroad. Davey would work up there; he would go down and get them in a pickup, take them by a restaurant and give them a good breakfast and then take them up and work with them in cleaning up that place and making it a real joy to behold.

"I can remember too with a great deal of sadness the day after the election in which he lost. He was heartbroken, and I am sure that the heartbreak that occurred to him then led to his early demise. He would have been with us yet, I feel, had he not lost that election. He never did regain the spark and the bounce that he had prior to that election and it showed me how deeply concerned he was and how concerned he was about the people, and also his love of the Senate. It was ingrained into him and his life revolved around it and he was certainly a dedicated legislator and came over here, as we know, for many, many years. It is a regret and a great deal of sadness that I stand to make this statement."

The motion by Senator Keefe carried and the resolution was unanimously adopted.

MOTION

At 4:28 p.m., on motion of Senator Mardesich, the Senate adjourned until 11:00 a.m., Monday, May 5, 1975.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

FIFTY-THIRD DAY**MORNING SESSION**

Senate Chamber, Olympia, Monday, May 5, 1975.

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 Herr, Keefe, McDermott, Pullen and Wanamaker.

On motion of Senator Knoblauch, Senators Herr, Keefe and McDermott were excused. On motion of Senator Lewis (R. H. "Bob"), Senators Pullen and Wanamaker were excused.

The Color Guard, consisting of Pages Trina Fowler and Lance Wrzesinski, presented the Colors. Reverend Charles Loyer, pastor of Westminster Presbyterian Church of Olympia, offered the following prayer:

"GOD OF OUR FATHERS, THE UNSEEN COMPANION OF THEIR PILGRIMAGE, WE THANK YOU FOR THE HERITAGE THAT HAS COME DOWN TO US, BOUGHT BY OTHER TOIL AND OTHER TEARS THAN OURS, AND FOR GREAT LEADERS WHOM YOU HAVE RAISED UP TO DIRECT OUR PATHS. HELP US TODAY IN THESE TROUBLED TIMES. RENEW IN US A FAITH IN AND A COMMITMENT TO THE DEMOCRATIC PROCESS. RESTORE TO OUR LAND THOSE OLD VIRTUES THAT MAKE SOCIETY A VIABLE EXPERIMENT. BLESS THIS DAY OF LEGISLATIVE EFFORT WITH SOLID GAINS IN THE STRUGGLE TO RESOLVE THE ISSUES STILL BEFORE US. AMEN."

MOTION

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

At 11:13 a.m., the President declared the Senate to be at ease.

The President called the Senate to order at 11:45 a.m.

REPORT OF STANDING COMMITTEE

May 1, 1975.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 788, prescribing changes in provisions relating to physicians and surgeons (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; Cunningham, Francis, Goltz, Gould, McDermott, North, Pullen, Ridder.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE GOVERNOR

May 2, 1975.

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

LADIES AND GENTLEMEN:

I have the honor to advise that on May 2, 1975, Governor Evans approved the following Senate Bills entitled:

SENATE BILL NO. 2192: Increasing the membership of the teachers' retirement system board.

SENATE BILL NO. 2530: Relating to highways.

Sincerely,
CHI-DOOH LI
Legal Counsel.

SPECIAL ORDER OF BUSINESS
SECOND READING

SUBSTITUTE HOUSE BILL NO. 1078, by Committee on Natural Resources (originally sponsored by Representatives Martinis, Moreau, Kalich, Matthews and Wilson):

Revising the forest practices act.

The time having arrived, the Senate resumed consideration of Substitute House Bill No. 1078. On Friday, May 2, 1975, Senator Peterson moved adoption of the committee amendment.

Debate ensued.

POINT OF ORDER

Senator Peterson: "Is Senator Bluechel speaking for the amendment or against it, or against the committee amendment? It is a little difficult for me to follow."

Senator Bluechel: "Senator Peterson, I am speaking directly to the House bill and to the not adopting the Senate version."

POINT OF ORDER

Senator Peterson: "Mr. President, the issue before the body is the adoption of the committee amendment to House Bill 1078."

RULING BY THE PRESIDENT

The President: "Senator Peterson's point is well taken. The question before the Senate is a motion to adopt the committee amendment. Senator Bluechel, would you please confine your remarks to the motion."

Debate ensued.

The President declared the question before the Senate to be adoption of the committee amendment.

The motion by Senator Peterson carried and the committee amendment was adopted.

On motion of Senator Peterson, the committee amendment to the title was adopted on a rising vote.

On motion of Senator Peterson, the rules were suspended, Substitute House Bill No. 1078, 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. 1078, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 29; nays, 15; excused, 5.

Voting yea: Senators Bailey, Beck, Benitz, Bottiger, Buffington, Clarke, Day, Donohue, Goltz, Guess, Henry, Jolly, Jones, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Matsou, Morrison, Newschwander, Odegaard, Peterson, Rasmussen, Sandison, Selar, Stortini, Van Hollebeke, Walgren, Wilson, Woody—29.

Voting nay: Senators Bluechel, Cunningham, Fleming, Francis, Gould, Grant, Lewis (Harry), Marsh, Murray, North, Ridder, Scott, Talley, von Reichbauer, Washington—15.

Excused: Senators Herr, Keefe, McDermott, Pullen, Wanamaker—5.

SUBSTITUTE HOUSE BILL NO. 1078, 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 12:08 p.m., on motion of Senator Mardesich, 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 Peterson, Substitute House Bill No. 1078, as amended by the Senate, was ordered immediately transmitted to the House.

On motion of Senator Peterson, Senate Bill No. 2574 was ordered held following consideration of Engrossed House Bill No. 141.

On motion of Senator Jolly, Engrossed House Bill No. 141 was ordered to hold its place on the second reading calendar for Tuesday, May 6, 1975.

On motion of Senator Mardesich, Senate Bill No. 2574 was ordered held following consideration of Engrossed House Bill No. 218.

On motion of Senator Knoblauch, Senator Donohue was excused.

SECOND READING

SENATE BILL NO. 2954, by Senators Peterson, Donohue, Odegaard, Talley, Guess, Matson, Wanamaker, Day, Rasmussen, Lewis (Harry), Bailey, Goltz, Wilson, Woody, Sandison, Mardesich, Henry, Walgren, Morrison and Lewis (R. H. "Bob"):

Making changes in the laws relating to forest practices.

MOTION

On motion of Senator Peterson, Senate Bill No. 2954 was re-referred to the Committee on Rules.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of Senate Bill No. 2660.

SECOND READING

SENATE BILL NO. 2660, by Senators North and Bluechel:
Permitting nature conservancies to acquire open space for public use.

REPORT OF STANDING COMMITTEE

March 7, 1975.

SENATE BILL NO. 2660, Permitting nature conservancies to acquire open space for public use (reported by Committee on Ecology):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 14, after "fee" and before "or" insert "simple"

On page 1, line 22, after "acquire" strike "the fee to" and insert "[the fee to]"

On page 2, line 29, after "including" and before "any" strike "fees and" and insert "fee simple or" and after "lesser" and before the comma strike "interests" and insert "interest"

On page 2, line 32, after "resources," strike "owned" and insert "[owned]"

Signed by: Senators Washington, Chairman; Guess, Murray, North, Sandison.

The bill was read the second time by sections.

On motion of Senator Washington, the committee amendments were considered and adopted simultaneously.

Senator Bottiger moved adoption of the following amendment by Senators Bottiger, North and Bluechel:

On page 3, section 3, line 23 after "thereof." add a new subsection to read as follows:

"(3) As used in this 1975 amendatory act, the terms "non-profit nature conservancy

corporation or association" shall be defined as organizations which qualify under Sec. 501(c) of the Internal Revenue Code as tax exempt: *PROVIDED*, That any transfer of the interest held by such an organization other than to another organization which qualifies under this subsection and which is to be held for the purposes of this 1975 amendatory act shall be subject to the provisions of RCW 84.34.108 as it now exists or is hereafter amended."

Senator Bluechel moved adoption of the following amendment to the amendment by Senators Bottiger, North and Bluechel:

On line 7 of the amendment to page 3, line 23, strike "*this subsection*" and insert "*the provisions*"

POINT OF INQUIRY

Senator Rasmussen: "Will Senator Bottiger yield to a question? Senator Bottiger, your amendment and the amendment to the amendment as offered by Senator Bluechel, I am concerned with the part that 'may acquire the fee to such property for the purpose of conveying or leasing the property back to the original owner or other persons.' It is my understanding that these nature conservancy purchase or acquiring of property by whatever means, that they become tax exempt. Is this correct? And then they can turn around and lease it back? Can it be leased back for commercial purposes?"

Senator Bottiger: "Senator Rasmussen, if it was, the leasehold tax would pick it up and the land surface owner, if they went that route, would have to pay the leasehold tax."

Senator Rasmussen: "We have not been too successful with that so far. Another amendment is coming through this time on that, I understand."

Senator Bottiger: "There are people that tell me we have been very successful. The Port of Tacoma has suggested that we have been too successful in collecting taxes under the leasehold tax."

Senator Rasmussen: "You think that is adequately covered then?"

Senator Bottiger: "I think it is."

Senator Rasmussen: "Thank you."

POINT OF INQUIRY

Senator Woody: "Would Senator Bluechel yield? On your amendment to the amendment, Senator Bluechel, could you read, beginning with the language 'Provided,' how the Bottiger amendment would read if your amendment is adopted?"

Senator Bluechel: "On the fourth line from the bottom, let us start with 'Provided that any transfer of the interest held by such an organization other than through another organization which qualifies under the provisions and which is to be held for the purposes comma of this 1975 act.' It should have been in the amendment in the first place. In many cases this type of organization will, at the request of a county or city, purchase the rights to land and hold it for some future purpose of the county or city, and this amendment allows them at some time later on down the road to simply transfer those rights to the county or city. At the present time, if we leave this out, they cannot. They have to hold it themselves in perpetuity."

The motion by Senator Bluechel carried and the amendment to the amendment by Senators Bottiger, North and Bluechel was adopted.

The motion by Senator Bottiger carried and the amendment, as amended, was adopted.

On motion of Senator Washington, the rules were suspended, Engrossed Senate Bill No. 2660 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. 2660 and the bill passed the Senate by the following vote: Yeas, 43; absent or not voting, 1; excused, 5.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones,

Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Woody—43.

Absent or not voting: Senator Fleming—1.

Excused: Senators Donohue, Keefe, McDermott, Pullen, Wanamaker—5.

ENGROSSED SENATE BILL NO. 2660, having received the 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 Mardesich, the Senate commenced consideration of Senate Joint Resolution No. 127.

SECOND READING

SENATE JOINT RESOLUTION NO. 127, by Senators Knoblauch, Donohue, Mardesich, Matson, Clarke, Scott, Sellar and Jones:

Establishing constitutionally a citizens' commission to set salaries of public officials.

MOTIONS

On motion of Senator Mardesich, Substitute Senate Joint Resolution No. 127 was substituted for Senate Joint Resolution No. 127 and the substitute resolution was placed on second reading and read the second time in full.

On motion of Senator von Reichbauer, the following amendment was adopted on a rising vote:

On page 1, line 21, after "*official*," insert "*member or former member of the state legislature*."

Senator Wilson moved that the following amendments by Senators Wilson and Odegaard be considered and adopted simultaneously:

On page 1, line 22, after "*commission*," strike "*No less than sixty percent of the*" and insert "*The*"

On page 1, line 25, after "*with*" strike "*one member*" and insert "*two members*"

On page 1, line 25, after "*district*," strike "*The balance of the membership shall be appointed as provided by law*."

Debate ensued.

The motion by Senator Wilson failed and the amendments were not adopted on a rising vote.

Senator Francis moved adoption of the following amendment:

On page 2, line 9, after "*legislature*," strike "*The*" and insert "*Section 13 of Article II is hereby repealed, and the*", and on line 11, strike "*, 13*,".

POINT OF INQUIRY

Senator Cunningham: "Would Senator Francis yield to a question please?"

Senator Francis: "Mr. President and members of the Senate, we always have this problem that people stop paying attention after a while when we are on a bill. I will repeat what I said. What we are doing here, if you will look on page 1, we have reenacted a good part of what is in Article Two, section 13, and what we intended to do was to replace Article Two, section 13, with this proposed constitutional amendment. What we have on page 2 is that we have put it in some language that says that insofar as it is inconsistent herewith, section 13 is repealed. My amendment would simply make it clear that section 13 is repealed period, and not just insofar as inconsistent herewith, which I think is very ambiguous and could be regarded as not being inconsistent at all."

The motion of Senator Francis carried and the amendment was adopted.

MOTIONS

On motion of Senator Knoblauch, Senator Stortini was excused.

On motion of Senator Beck, the rules were suspended, Engrossed Substitute Senate Joint Resolution No. 127 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 Cunningham: "Would Senator Bottiger yield to a question please? Senator Bottiger, during your remarks a few minutes ago you mentioned that this commission could raise or lower?"

Senator Bottiger: "That is correct."

Senator Cunningham: "In reading the bill, it states as I read it that they may not reduce."

Senator Bottiger: "I do not know about the bill. The constitutional amendment is before it. It says, 'may not diminish the salary during the term for which he is elected,' but as you read on in the bill, it will set the salary."

Senator Cunningham: "So they cannot reduce the salary?"

Senator Bottiger: "Yes, they could reduce the salary."

Senator Cunningham: "They cannot reduce it in the term to which you are elected."

Senator Bottiger: "There is a constitutional provision that you cannot reduce during the term for which you are elected, but they could reduce the salary and on the next election that would be the salary."

Senator Cunningham: "Thank you."

Senator Bailey: "Mr. President, maybe Senator Cunningham would be interested in this. In Rules Committee some of us thought these two were connected. We found out later that they were not part of the same package and it was our intention to return the bill to the Rules Committee because this constitutional amendment should stand or fall on its own. At the time we passed it out of Rules it was thought that they were passed out of committee to come together, and we did not realize they were not intended that way."

Senator Bottiger: "I think I should have gone a little bit further in my remarks in response to Senator Cunningham. This commission would meet every two years and would set the salary for the legislature. It would not diminish the salary for those people that were elected since they had last met and set the salary. The reason for that, the historical reason of why that has always been in our Constitution and in all other state Constitutions is that you do not punish an elected official for an unpopular decision. The same thing applies to the county commissioners, to school board members, to anybody else. There has been a historic concept that you not diminish someone's salary during the term. You could argue it on contract; you could argue it on anything else. That historic precedence is not broken here, and Senator Woody reminds me, teachers also. The theory is that when the commission met it would set the salary. That would be the salary for the term. The terms would, by nature, coincide with the exception of the four year terms for senators, so if they came and lowered the salary, then those of us that had been elected at the higher salary would continue to get it until the end of our term. The others would receive the lower salary."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Joint Resolution No. 127 and the resolution passed the Senate by the following vote: Yeas, 40; nays, 4; excused, 5.

Voting yea: Senators Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Morrison, Murray, North, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Scott, Sellar, Van Hollebeke, von Reichbauer, Walgren, Washington, Woody—40.

Voting nay: Senators Bailey, Newschwander, Talley, Wilson—4.

Excused: Senators Keefe, McDermott, Pullen, Stortini, Wanamaker—5.

ENGROSSED SUBSTITUTE SENATE JOINT RESOLUTION NO. 127, having received the constitutional two-thirds majority, was declared passed.

SECOND READING

SENATE BILL NO. 2359, by Senators Rasmussen, Donohue and Morrison:

Designating membership of state committee on salaries, its duties, and fixing maximum salaries of certain appointees and statutory assistant directors.

MOTION

On motion of Senator Mardesich, Senate Bill No. 2359 was re-referred to the Committee on Rules.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of Substitute House Bill No. 249.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 249, by Committee on Transportation and Utilities (originally sponsored by Representatives Newhouse, Hansen, Patterson and Gilleland):

Making certain changes in the laws relating to vehicle tonnage fees.

The bill was read the second time by sections.

On motion of Senator Guess, the following amendment was adopted:

On page 1, line 22, after "in" and before "dump" insert "end or belly", and on line 23, after "logs," insert "transportation of specialized underwater exploration equipment for hydroelectric projects,".

On motion of Senator Walgren, the rules were suspended, Substitute House Bill No. 249, 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. 249, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; nays, 2; excused, 4.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Woody—43.

Voting nay: Senators Francis, McDermott—2.

Excused: Senators Keefe, Pullen, Stortini, Wanamaker—4.

SUBSTITUTE HOUSE BILL NO. 249, 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 Mardesich, the Senate commenced consideration of Engrossed House Bill No. 218.

SECOND READING

ENGROSSED HOUSE BILL NO. 218, by Representatives Gaspard, Bausch and Hendricks (by State Employees' Insurance Board request):

Implementing law relating to the state employees insurance board, including authorizing an added charge to premium contributions.

The bill was read the second time by sections.

On motion of Senator Woody, the rules were suspended, Engrossed House Bill No. 218 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. 218 and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Woody—45.

Excused: Senators Keefe, Pullen, Stortini, Wanamaker—4.

ENGROSSED HOUSE BILL NO. 218, having received the 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 Mardesich, the Senate commenced consideration of Substitute House Bill No. 651.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 651, by Committee on Social and Health Services (originally sponsored by Representatives Adams, Paris, Parker, Bauer and Fortson):

Making changes in the laws relating to chiropractic.

REPORT OF STANDING COMMITTEE

April 2, 1975.

SUBSTITUTE HOUSE BILL NO. 651, making changes in the laws relating to chiropractic (reported by Committee on Social and Health Services).

MAJORITY recommendation: Do pass with the following amendment:

On page 3, line 2, after "to" and before "advertising" insert "*individual and institutional*"

Signed by: Senators Day, Chairman; von Reichbauer, Vice Chairman; Buffington, North; Pullen, Ridder.

The bill was read the second time by sections.

Senator Day moved that the committee amendment not be adopted.

POINT OF INQUIRY

Senator Francis: "Would Senator Day yield to a question? Senator Day, I am having a little trouble keeping up with this particular bill. It seems to me I have had quite a bit of mail. I am just trying to remember, but some of my mail was indicating that when you prohibit advertising, and especially where you prohibit advertising of price, that almost invariably the prices start going up because the competitive nature of the business starts disappearing, and I am just wondering if you have any experience or observations on that."

Senator Day: "Yes, I do, and the people that you have been talking to really are not talking about price. What they are talking about is advertising themselves and putting their own pictures in the ads and, of course, the thing that becomes competitive then is the size of the ad, which costs money, which increases costs, and so I am opposed to that particular practice. It has not worked in other states and we do not want it here."

Senator Francis: "Thank you."

The motion by Senator Day carried and the committee amendment was not adopted.

On motion of Senator Day, the rules were suspended, Substitute House Bill No. 651 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Lewis (Harry): "Senator Day, as I understand it, this act just applies to those who practice the chiropractic. Is that right?"

Senator Day: "That is correct."

Senator Lewis (Harry): "What would happen where you have a chiropractor who is also a naturopath?"

Senator Day: "He would be regulated by the naturopathic act relative to that practice."

Senator Lewis (Harry): "Do the naturopaths permit advertising?"

Senator Day: "I do not know, but he could advertise as a naturopath. I do not believe they do, however. It would be regulated by this act."

POINT OF INQUIRY

Senator Rasmussen: "Would Senator Day yield to a question? Senator Day, on page 3, starting on the bottom of page 2, it says 'to establish and promulgate by rules and regulations ethical standards for the chiropractic profession including, but not limited to, regulation relating to advertising or excessive charging for professional services.' Would it be unethical if a chiropractor should charge less than a neighboring chiropractor?"

Senator Day: "No, I do not think it would be, and of course this directs itself to excessive charges."

Senator Rasmussen: "You say it would not be unethical to charge less than a neighboring chiropractor?"

Senator Day: "No, I certainly do not. I think what this is related to is excessive charging for professional services very specifically."

Senator Rasmussen: "Then on the other hand, why would it be unethical for a neighboring chiropractor to charge excessive or more than the other chiropractor?"

Senator Day: "I do not think that the ruling of whether it was excessive or not would mean that he would just charge more than someone else. I think what they are trying to get at here is people who have double charges, who have in the process of delivering services charged maybe two or three different charges for similar services on the same day, this type of thing; and it is an attempt by the board to regulate, really, a couple of errant practitioners relative to charging. There was something in the medical disciplinary act relative to this. I have been a proponent of professions disciplining their own in a reasonable and responsible manner relative to those who get way out of line in relation to charging for their services where the consumer is involved."

Senator Rasmussen: "Senator Day, I am a consumer advocate also, but I can understand if I were to go to a superior chiropractor, the same as I would go to a superior medical practitioner, surgeon, that I would probably agree to pay more for this particular individual's services because of his expertise. This is why I am glad to hear you state positively that this is not going to have any relation to price control."

Senator Day: "It is not intended to be price fixing. It is certainly intended that if the charge is not reasonably related to the service provided, then the board could do something about it."

Senator Rasmussen: "Like what?"

Senator Day: "They could call the man in and ask him to explain, and if he could not explain that there was some special service given that substantiated the charge, they could discipline him accordingly, and if it was a specialized instrument adjustment such as you are referring to, why they could make allowances commensurate with the situation at the time."

Senator Rasmussen: "Thank you, Senator Day. I hope it works."

POINT OF INQUIRY

Senator Woody: "Would Senator Day yield for a question? On page 5, Senator Day, on the bottom of page 4 and the top of page 5, it addresses itself to the situation in which a practitioner fails to submit to an examination before a doctor, either as to a physical or mental condition, and it says on the top of page 5 that if he does not show up for it except for reasons outside of his control, that a default and final order may be entered without the taking of testimony or presentation of evidence. My question is, in using that particular language, did the committee consider the fact that since this is reviewable under the Administrative Procedures Act, that at least some evidence, whether it be formal proof or whatever, must be in the record of the hearing board or else it is considered arbitrary and capricious action?"

Senator Day, "I could not agree with what you have just said. I think that what this does is set forth a reason to go in the record if the particular chiropractor fails to comply with the order blatantly and just makes no attempt to; and I think what would happen here, if he failed to show they would check and find out why and if he has just ignored the order, then this would apply and that would go into the record as a part of the record. It also should follow that all the dealings of disciplinary boards, including the medical disciplinary board, are subject to court review, and I would suggest also to you, Senator, that section 9 probably will be used very, very rarely, very rarely. Now we have had possibly one or two instances in the total time the board has existed, which is since 1967, in which this would even have been brought into play."

Senator Woody: "My question is whether or not that was considered in the hearing, that is, whether the fact that under the review proceedings of RCW 34.04 of the Administrative Procedures Act, if there is no evidence in the board record, then on appeal it is automatic, the court automatically determines it to be arbitrary and capricious action?"

Senator Day: "Yes, that was considered, but as I pointed out that certainly they would not just issue the order for him to come in and then if he did not show, immediately file. They would try to find out why he had not shown and there would have to be something in the record there to demonstrate, one, that the notice had been received by him, and I think that this board has acted very responsibly and they are not going to just enter an order in the record unless there has been some full justification for such an order, and so I do not think they would enter an order unless there was real reason to show that the man had received the order and that he had, through intent, avoided coming in, and so I do not think there is any problem with that. In fact, I did talk to the AG about that also."

Senator Bottiger: "Mr. President and members of the Senate, some years ago when I was with the Attorney General's Office that used to be one of the assignments I had, and I can assure Senator Woody that there is a procedure set up whereby we make the record, and I am sure they still do that. Some of these old licensing statutes are just full of due process holes like you are talking about and there is a procedure established to take care of that and make a record for the APA."

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 651 and the bill passed the Senate by the following vote: Yeas, 39; nays, 4; absent or not voting, 2; excused 4.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Mardesich, Marsh, Matson, McDermott, Morrison, North, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Woody—39.

Voting nay: Senators Lewis (R. H. "Bob"), Murray, Newschwander, Wilson—4.

Absent or not voting: Senators Donohue, Fleming—2.

Excused: Senators Keefe, Pullen, Stortini, Wanamaker—4.

SUBSTITUTE HOUSE BILL NO. 651, having received the 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. 2574, by Committee on Natural Resources (originally sponsored by Senator Peterson):

Authorizing buy-back of fishing vessels, gear and permits.

MOTION

On motion of Senator Peterson, Substitute Senate Bill No. 2574 was made a special order of business for 11:00 a.m., Tuesday, May 6, 1975.

MOTION

On motion of Senator Mardesich, the Senate advanced to the seventh order of business.

THIRD READING

SUBSTITUTE HOUSE BILL NO. 220, by Committee on Labor (originally sponsored by Representatives Parker, May, Gaines, Kilbury, Adams and Gaspard):

Requiring labor and industries to conduct railroad safety inspections relating to employees.

Debate ensued.

The President declared the question before the Senate to be the roll call on Substitute House Bill No. 220.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 220 and the bill passed the Senate by the following vote: Yeas, 26; nays, 17; absent or not voting, 2; excused, 4.

Voting yea: Senators Bailey, Beck, Bottiger, Day, Francis, Goltz, Grant, Henry, Herr, Jolly, Knoblauch, Mardesich, Marsh, McDermott, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Woody—26.

Voting nay: Senators Benitz, Bluechel, Buffington, Clarke, Cunningham, Gould, Guess, Jones, Lewis (Harry), Lewis (R. H. "Bob"), Matson, Morrison, Murray, Newschwander, North, Scott, Sellar—17.

Absent or not voting: Senators Donohue, Fleming—2.

Excused: Senators Keefe, Pullen, Stortini, Wanamaker—4.

SUBSTITUTE HOUSE BILL NO. 220, having received the 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 Mardesich, the Senate returned to the first order of business.

REPORTS OF STANDING COMMITTEE

May 5, 1975.

SUBSTITUTE HOUSE BILL NO. 62, authorizing a service charge for county ambulance service (reported by Committee on Local Government):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Fleming, Chairman; Jolly, Lewis (R. H. "Bob"), North, Sellar.

Passed to Committee on Rules for second reading.

May 5, 1975.

SUBSTITUTE HOUSE BILL NO. 183, increasing public works mandatory bid limit (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Fleming, Chairman; Jolly, Lewis (R. H. "Bob"), North, Sellar.

Passed to Committee on Rules for second reading.

May 5, 1975.

ENGROSSED HOUSE BILL NO. 423, requiring that notice of a correction made to assessment of property be mailed by the assessor to the taxpayer by certified rather than registered mail (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Fleming, Chairman; Jolly, Lewis (R. H. "Bob"), North, Sellar, Wilson.

Passed to Committee on Rules for second reading.

May 5, 1975.

SUBSTITUTE HOUSE BILL NO. 693, requiring advertising public contracts in a newspaper in the part of the county where the work is to be done (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Fleming, Chairman; Jolly, Lewis (R. H. "Bob"), North, Sellar.

Passed to Committee on Rules for second reading.

MOTION

At 3:08 p.m., on motion of Senator Mardesich, the Senate adjourned until 9:45 a.m., Tuesday, May 6, 1975.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

FIFTY-FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, May 6, 1975.

The Senate was called to order at 9:45 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senator Rasmussen.

The Color Guard, consisting of Pages Tima McCutcheon and Russ Bergren, presented the Colors. Reverend Charles Loyer, pastor of Westminster Presbyterian Church of Olympia, offered the following prayer:

"ALMIGHTY GOD WHO HAS INVESTED MAN WITH A SENSE OF DIGNITY AND A SPIRIT OF COURAGE: BLESS THE LEGISLATORS WHO NOW FIND THEMSELVES ENGULFED BY THE SWIFT CURRENT OF MOUNTING RESPONSIBILITIES. GIVE TO EACH OF THEM A SURE FOOTING AND A COOL HAND. SPARE THEM FROM BEING DISCOURAGED BY THEIR PREJUDICAMENT, INTIMIDATED BY CRITICS WHO PARTICIPATE FROM THE SECURITY OF HIGHER GROUND. MAY THE COURSING FLOOD OF WORK PROVIDE FOR THE LEGISLATORS AN ADDITIONAL INCENTIVE FOR POOLING THEIR COLLECTIVE WISDOM IN HARNESSING THE RESOURCES OF OUR STATE TO CONSTRUCTIVE ENDS. AMEN."

MOTION

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

REPORTS OF STANDING COMMITTEES

May 6, 1975.

SENATE BILL NO. 2715, relating to school district budgets (reported by Committee on Education):

MAJORITY recommendation: That Substitute Senate Bill No. 2715 be substituted therefor and the substitute bill do pass.

Signed by: Senators Stortini, Chairman; Francis, Gould McDermott, Murray, Newschwander.

Passed to Committee on Rules for second reading.

May 6, 1975.

SENATE BILL NO. 2840, relating to sentencing (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Francis, Chairman; Bottiger, Buffington, Clarke, Fleming, Jones.

Passed to Committee on Rules for second reading.

May 6, 1975.

SENATE BILL NO. 2863, compelling action by school boards to assure physical safety of pupils (reported by Committee on Education):

MAJORITY recommendation: Do pass.

Signed by: Senators Stortini, Chairman; Gould, McDermott, Murray, Newschwander.

Passed to Committee on Rules for second reading.

May 6, 1975.

HOUSE BILL NO. 627, implementing law relating to certain student transfer within the common schools and state apportionment credit therefor (reported by Committee on Education):

MAJORITY recommendation: Do pass.

Signed by: Senators Stortini, Chairman; Francis, Gould, McDermott, Murray, Newschwander.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE HOUSE

May 5, 1975.

Mr. President: The Speaker has signed:

HOUSE BILL NO. 104,

SUBSTITUTE HOUSE BILL NO. 177,

SUBSTITUTE HOUSE BILL NO. 246,

HOUSE BILL NO. 311,

HOUSE BILL NO. 544, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

May 5, 1975.

Mr. President: The Speaker has signed:

SUBSTITUTE SENATE BILL NO. 2125,

SUBSTITUTE SENATE BILL NO. 2183,
 SUBSTITUTE SENATE BILL NO. 2507,
 ENGROSSED SENATE BILL NO. 2650,
 SENATE JOINT MEMORIAL NO. 110, and the same are herewith transmitted.
 DEAN R. FOSTER, Chief Clerk.

MOTIONS

On motion of Senator Francis, the Committee on Ways and Means was relieved from further consideration of Senate Bill No. 2841.

On motion of Senator Francis, Senate Bill No. 2841 was referred to the Judiciary Committee.

On motion of Senator Donohue, the Committee on Ways and Means was relieved from further consideration of Senate Bill No. 2290.

On motion of Senator Donohue, Senate Bill No. 2290 was referred to the Committee on Social and Health Services.

SIGNED BY THE PRESIDENT

The President signed:
 HOUSE BILL NO. 104,
 SUBSTITUTE HOUSE BILL NO. 177,
 SUBSTITUTE HOUSE BILL NO. 246,
 HOUSE BILL NO. 311,
 HOUSE BILL NO. 544.

SPECIAL ORDER OF BUSINESS

SECOND READING

SUBSTITUTE SENATE BILL NO. 2574, by Committee on Natural Resources (originally sponsored by Senator Peterson):

Authorizing buy-back of fishing vessels, gear and permits.

The time having arrived, the Senate resumed consideration of Substitute Senate Bill No. 2574.

On motion of Senator Mardesich, the following amendment by Senator Rasmussen was adopted:

On page 5, strike lines 15 through 22 and insert: "created within the state treasury a fund to be known as the "vessel, gear, license, and permit reduction fund", which shall be used for the purchase of vessels, licenses, permits, and fishing gear as provided in this 1975 amendatory act, and for the administration of the provisions of this 1975 amendatory act. This fund shall be credited with any federal or other funds received to carry out the purposes of this 1975 amendatory act and shall also be credited with all proceeds from the sale or other disposition of any property purchased pursuant to section 4 of this 1975 amendatory act."

Senator Mardesich moved that the following amendment by Senator Rasmussen not be adopted:

On page 5, after line 30 insert a new section as follows:

NEW SECTION. Sec. 11. There is hereby appropriated to the Department of Fisheries out of the vessel, gear, license, and permit reduction fund the sum of \$5,000,000 which shall be available for purposes of this 1975 amendatory act from the effective date of this act until June 30, 1977."

Renumber the remaining section accordingly.

POINT OF INQUIRY

Senator Talley: "Will Senator Peterson yield? Senator Peterson, do you think the

language in here is strong enough when a license and a boat or gear is bought, that we can insure that this man does not come back in a couple of years and go back into the business?"

Senator Peterson: "Yes, Senator Talley, you can be assured of that. The language is strong enough."

The motion by Senator Mardesich carried and the amendment was not adopted.

On motion of Senator Peterson, the rules were suspended, Engrossed Substitute Senate Bill No. 2574 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Newschwander: "I wonder if Senator Peterson would yield to a question? I notice in reading the bill that these boats cannot be used for anything other than pleasure fishing but what prevents an Indian from buying these boats from the department and going right out and competing? He could probably buy the boats cheap and he is right there, we are right where we were before."

Senator Peterson: "No, there is a section in the bill that would prohibit this, Senator Newschwander. If you want to hold it down a bit — but there is a provision in here that would prohibit this from happening and this is what we are attempting to do."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2574, and the bill passed the Senate by the following vote: Yeas, 42; nays, 5; absent or not voting, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Morrison, North, Odegaard, Peterson, Pullen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Woody—42.

Voting nay: Senators Clarke, Lewis (Harry), Murray, Newschwander, Wilson—5.

Absent or not voting: Senators Matson, Rasmussen—2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2574, having received the 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 10:10 a.m., on motion of Senator Mardesich, the Senate recessed until 11:35 a.m.

SECOND MORNING SESSION

The President called the Senate to order at 11:35 a.m.

MOTION

On motion of Senator Peterson, Engrossed Substitute Senate Bill No. 2574 was ordered immediately transmitted to the House.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 527, by Committee on Transportation and Utilities (originally sponsored by Representatives Smith, Fortson, Becker, Sommers, Gaspard, Hawkins, North, Wilson, Berentson, Chandler, Charnley, Dunlap, Hansey, Leckenby and Sherman):

Requiring pilots and other precautions for tankers entering Puget Sound.

The Senate resumed consideration of Engrossed Substitute House Bill No. 527. On May 2, 1975 the committee amendments to page 1, lines 8, 12, 16 and 29; and to page 2, lines 6 and 16 were adopted. The committee amendment to page 2, line 14 was not adopted. On that day, the committee amendment on page 2, line 15 was moved for adoption by Senator Walgren. Senator Wanamaker moved adoption of the following amendment to the committee amendment:

On page 2, line 15, beginning on the fourth line of the committee amendment, strike "the Washington Utilities and Transportation Commission" and insert "the board of pilotage commissioners".

The motion by Senator Wanamaker failed and the amendment to the committee amendment was not adopted.

On motion of Senator Walgren, the following amendment to the committee amendment was adopted:

On page 2, line 15, on the third line of the committee amendment, after "tug" and before "shaft" strike "or tugs"

The motion by Senator Walgren carried and the committee amendment, as amended, was adopted.

On motion of Senator Walgren, the committee amendment to page 2, line 17 was adopted.

On motion of Senator Bottiger, the committee amendment to page 2, line 19 was not adopted.

On motion of Senator Walgren, the committee amendments to page 2, lines 25, 26 and 32 were adopted.

On motion of Senator Wilson, the following amendment was adopted:

On page 2, line 7, after "waters" strike ", except when in ballast,"

Senator Sandison moved adoption of the following amendment:

On page 2, line 16 of both the engrossed and printed bills, after "waters", strike all the matter down through "Admiralty Head" on line 18 and insert "east of a line extending from Discovery Island light south to New Dungeness light".

POINT OF INQUIRY

Senator Guess: "Would Senator Sandison yield? Senator Sandison, what would be the length of a course that you are going to require now over what the bill as written would require?"

Senator Sandison: "If I can make just a rough estimate, up north it would probably be an additional sixty miles down; in the southern end about thirty-eight miles on the Washington coast."

Senator Guess: "In other words, it would cost the pilot then on the Arco that we had the figures on yesterday that cost another nine hundred and ninety dollars?"

Senator Sandison: "I am not talking about the pilot on this. I am talking about the tugboats. Now they have already picked up the pilots back at Port Angeles before they come in, if this bill passes."

Senator Guess: "Okay. The figures I have show that between 1968 and 1971 there were three collisions between tugs and barges in this area, and in 1969 one tug barge grounded and sank. Now, in 1971 the Coast Guard vessel traffic system went into effect. Can you tell me how many wrecks they have had since 1971?"

Senator Sandison: "No, I did not keep track of them, but just since we have been in session this year there was one barge that luckily did not release too much oil on a bank not too far from Anacortes, but this is hazardous country and traditionally you have had problems in here. Now I agree the Coast Guard vector system has certainly alleviated the situation somewhat but on the other hand, when we are dealing with what could happen with these tankers, I think just a few miles farther, which would be almost infinitesimal in the price of gasoline as far as the cost is concerned, is worth it."

Senator Guess: "Senator Sandison, the Coast Guard records show that there have been no collisions since the vector traffic system was put into effect."

Senator Sandison: "Which was just recently."

Senator Guess: "That was 1971 so it is about four years."

Senator Sandison: "But they are talking about collisions. I am talking about groundings and beachings too."

Senator Guess: "Do you think that tugs are going to do any good on grounding?"

Senator Sandison: "It could certainly avoid it, and also initially it may be able to pull it off before things get too bad."

The motion by Senator Sandison carried and the amendment was adopted.

On motion of Senator Walgren, the following amendments were adopted:

On page 2, line 33, after "regulations" strike "pursuant to RCW 88.16.030 as"

On page 2, line 35, strike "The Legislative Transportation Committee and the" and insert "The"

On page 3, line 5, after "1977." insert "Such study shall also include a report on the feasibility, benefits and disadvantages of requiring vessels under tug escort to observe a speed limit, and such study shall include a discussion of the impact of a speed limit on the maneuverability of the vessel, the effectiveness of the tug escort and other legal and technical considerations material and relevant to the required study."

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

On page 2, line 8, after "rates" insert "applicable to the first twenty thousand gross tons"

On page 2, line 8, after "amend" insert "": PROVIDED, That pilotage rates applicable to tonnage in excess of twenty thousand gross tons shall be established by the Washington utilities and transportation commission"

POINT OF INQUIRY

Senator Lewis (Harry): "Will Senator Walgren yield to a question? Perhaps while we are waiting for the amendment, Senator Walgren, I have a series of questions that perhaps you could respond to or maybe some other member of the Senate. I am wondering, the amendments that were hung by the committee strike 'the Board of Pilots Commissioners' and insert 'Washington Utilities and Transportation Commission' in two areas. I am wondering what authority is granted by the bill to the Utilities and Transportation Commission in order to exercise this authority in this matter? Can you show me?"

Senator Walgren: "Line 32 of page 2 now reads, after it has been perfected by amendment, 'The Utilities and Transportation Commission is authorized to make such rules and regulations as necessary to implement the provisions of this act.'"

Senator Lewis (Harry): "We already have a Pilotage Commission which has established rules and regulations for pilotage and so forth in this area, but as I see it, would you comment on the potential for court cases; are we granting to Utilities and Transportation the right to establish rates for tugboats in pushing or shepherding tankers into Puget Sound?"

Senator Walgren: "I hope that we will eventually do that after we have adopted Senator Mardesich's amendment, which I guess is now on the desk."

Senator Lewis (Harry): "Perhaps I will delay my questions then until after I see his amendment."

Debate ensued.

POINT OF INQUIRY

Senator Marsh: "Would Senator Mardesich yield to a question? Senator Mardesich, it appears that you are splitting the authority for setting rates, depending on whether we are talking about twenty thousand gross tons and under or over. What justification is there for splitting the rate setting authority between two different bodies?"

Senator Mardesich: "I really have no great problem with that. I suspect that with respect to those vessels under twenty thousand tons, they have a fee schedule that seems to be reasonable, but it appears to me that in anticipation of these larger vessels these changes were made in the law some time ago and are there now, and I think that even though it is a question of the commission having two owners or operators as well as two

pilots on the commission, there appears to have been too much pressure involved somewhere along the line, and with respect to that problem I simply would solve it by transferring that portion over twenty thousand ton requirement to UTC. I would have no objection even to transferring all such authority to them, although as I say, the fees seem to be reasonable with respect to those under twenty thousand and I have no great problem with them. It is simply a review mechanism for those fees — not a review, it is an absolute change for those fees over that, would be around that three hundred dollar level.”

POINT OF INQUIRY

Senator Talley: “Would Senator Mardesich yield? Senator Mardesich, I am not sure that you can do this. All these pilotage fees, rates, and everything are filed and I think they come under the Coast Guard supervision. I have seen books at home that tells you how much it takes to bring a ship into Copenhagen and everything like that. These rates are filed worldwide and I do not think we in this state legislature can affect the rates of pilotage by state law when it is under Coast Guard jurisdiction.”

Senator Mardesich: “Responding momentarily at least to the question of Senator Talley, the rates are now set by state law. We have a statute which sets up the Puget Sound Pilotage Commission and those rates are set by the commission. They are under WAC 296-116-300 and it sets pilotage rates for Puget Sound and adjacent inland waters and it gives an effective date July 1, 1973, and then it sets up this schedule of rates and that is done pursuant to Washington statute, I forget the exact RCW, but it would be in the 88.16 class. It is Chapter 88.16 under the Pilotage Act. Now I do not know that you should eliminate all of the Pilotage Act. That is why I did make the distinction. If Senator Lewis wants to draw the other amendment I have no objection.”

Senator Lewis (Harry) moved adoption of the following amendment to the amendment by Senator Mardesich:

Amend the Mardesich Amendment to page 2, line 8, as follows: After “tonnage” in line 2 of the amendment strike “in excess of twenty thousand gross tons”.

Senator Mardesich suggested that after “tons” on the third line of the amendment and before “shall” insert “pursuant to such schedule”

MOTION

On motion of Senator Mardesich, further consideration of the two amendments by Senator Mardesich was set aside temporarily.

Senator Mardesich moved adoption of the following amendment:

On page 1, line 27 of the engrossed and printed bills, after “employ” strike “Washington state” and after “licensed pilots” insert “holding a first class United States government license to pilot on Puget Sound and adjacent waters”.

POINT OF INQUIRY

Senator Talley: “Would Senator Mardesich yield? Senator Mardesich, I think you are absolutely right in what you are saying. There are lots of American skippers that hold a right to pilot, but on these tankers like this I think if a company — we would be derelict in our duty here if we allowed them to put their own skippers aboard piloting, and I think our own pilots would be much more responsible because the skipper on that ship is going to bring it in if he can to save that company as much money as possible and that is his order, to move that ship, and I think we would be much safer under our own pilots.”

Senator Mardesich: “Mr. President, in response to that remark I might point out that no matter what the company tells the skipper, and he has to be qualified by test for Puget Sound and adjacent waters to handle that vessel in these water, and his personal license is at stake in the event he displays poor judgment and has an accident. I know I have had dealings with a lot of skippers and they simply do not do that type of thing. If they feel that they are being required to do something that is unreasonable they say ‘No, you do it yourself or get someone else to handle it,’ because their whole life’s training and their license is at stake if they do not use reasonable exercise of good judgment.”

Senator Talley: "In response, I do not think there is any question of that. The skipper is responsible but he is still going to lean and he would take normal precautions but he is going to move that ship if he can because that is his business. Then if he does not move that ship to suit the company, they will get a skipper aboard that will."

Debate ensued.

MOTION

On motion of Senator Mardesich, Engrossed Substitute House Bill No. 527, as amended, was ordered held on the second reading calendar for Wednesday, May 7, 1975.

MOTION

On motion of Senator Mardesich, the Senate resumed consideration of Engrossed House Bill No. 988.

SECOND READING

ENGROSSED HOUSE BILL NO. 988, by Representatives Thompson and Pardini:

Providing for presidential primaries.

The Senate resumed consideration of Engrossed House Bill No. 988 as amended on April 30 and May 2, 1975. On May 2, 1975 Senator Francis moved adoption of the following amendment:

Strike all of section 3.

Senators Mardesich, Sandison 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.

MOTION

On motion of Senator Mardesich, the Senate proceeded under the Call of the Senate.

The President declared the question before the Senate to be adoption of the amendment by Senator Francis.

Debate ensued.

Senator Mardesich demanded a roll call and the demand was sustained by Senators Francis, Rasmussen, Herr, Washington, Sandison, Ridder, Scott, Clarke and Lewis (Harry).

ROLL CALL

The Secretary called the roll and the amendment by Senator Francis was not adopted by the following vote: Yeas, 12; nays, 37.

Voting yea: Senators Bluechel, Clarke, Fleming, Francis, Goltz, Grant, Jones, North, Pullen, Ridder, Scott, Wilson—12.

Voting nay: Senators Bailey, Beck, Benitz, Bottiger, Buffington, Cunningham, Day, Donohue, Gould, Guess, Henry, Herr, Jolly, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, Odegard, Peterson, Rasmussen, Sandison, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Woody—37.

MOTION

On motion of Senator Mardesich, the rules were suspended, Engrossed House Bill No. 988, 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. 988, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 25; nays, 24.

Voting yea: Senators Bailey, Beck, Bottiger, Day, Donohue, Fleming, Henry, Herr, Jolly, Keefe, Knoblauch, Mardesich, Marsh, McDermott, Odegaard, Peterson, Rasmussen, Sandison, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Woody—25.

Voting nay: Senators Benitz, Bluechel, Buffington, Clarke, Cunningham, Francis, Goltz, Gould, Grant, Guess, Jones, Lewis (Harry), Lewis (R. H. "Bob"), Matson, Morrison, Murray, Newschwander, North, Pullen, Ridder, Scott, Sellar, Wanamaker, Wilson—24.

ENGROSSED HOUSE BILL NO. 988, 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 Mardesich, Engrossed House Bill No. 988, as amended by the Senate, was ordered immediately transmitted to the House.

On motion of Senator Mardesich, the Senate dispensed with the Call of the Senate.

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

MESSAGE FROM THE HOUSE

May 6, 1975.

Mr. President: The Speaker has signed:

HOUSE BILL NO. 218,

SUBSTITUTE HOUSE BILL NO. 220,

SUBSTITUTE HOUSE BILL NO. 651, and the same are herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 218,

SUBSTITUTE HOUSE BILL NO. 220,

SUBSTITUTE HOUSE BILL NO. 651.

MOTION

At 12:55 p.m., on motion of Senator Mardesich, the Senate recessed until 2:30 p.m.

AFTERNOON SESSION

The President called the Senate to order at 2:30 p.m.

MOTION

On motion of Senator Grant, Senator Keefe was excused.

CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Beck, the appointment of Virginia Gregson as a member of the Public Disclosure Commission was confirmed.

PERSONAL PRIVILEGE

Senator Beck: "Mr. President and ladies and gentlemen of the Senate, I urge you to concur with the appointment of Mrs. Virginia Gregson. In speaking for this, I would like to take just a moment here and maybe insert this as a point of personal privilege and I hope that it will be recorded in the Journal also. I have here in my hand a copy of this morning's Seattle PI and it is written under the dateline of Shelby Scates and Mike Layton and I am very, very sorry that those two people are not in this Senate to hear what I have got to say. Yesterday, over in the House they had Initiative 276 and someone offered an amendment over there on the floor of the House that newspaper reporters and commentators should be brought under the provisions of 276, and if I had to vote for it right now I am inclined to think I would vote for such a thing because I am quoted in this morning's paper here as saying: 'Meanwhile the matter gets raked around a bit behind closed doors of the Senate Democratic caucus where Senator C. W. Beck said Mrs. Gregson was not a Democrat because she supported McGovern for the president.'

"I would like to say to this entire body here that I have always supported, since this bill came out of the committee; we found nothing whatsoever to indicate that this lady was not fully qualified and would not be a good addition to the Public Disclosure Commission; and at this time I would like to censure those two newspaper reporters for writing such trash as this in the press. I have always been one of the staunchest supporters of Mrs. Virginia Gregson. She has been a very fine lady and I do hope that you will not let stuff like this, trash like this that comes out of the Seattle PI, influence you on your vote for this because this woman here is a very capable woman and I urge you all to support her."

REMARKS BY SENATOR BAILEY

Senator Bailey: "I know the press got up and left because they cannot tolerate our political bad breath, I guess, but I would like to say this, that the Democratic caucus at no time ever discussed Mrs. Gregson with the viewpoint of a ruling that was supposed to have been made about wine in the Senate dining room or anything of that sort and that is a pure fabrication, an outright lie, and if these people cannot get more creditable sources for their information they should try another Senator. I just want to let you know that we have no trouble with Mrs. Gregson and we are very happy to support her here today and we are not doing this on account of the Sunday PI; we are doing it in spite of the PI and their false report."

APPOINTMENT OF VIRGINIA GREGSON

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 34; absent or not voting, 14; excused, 1.

Voting yea: Senators Bailey, Beck, Bluechel, Bottiger, Buffington, Day, Fleming, Francis, Goltz, Gould, Grant, Herr, Jolly, Jones, Knoblauch, Marsh, Matson, McDermott, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Woody—34.

Absent or not voting: Senators Benitz, Clarke, Cunningham, Donohue, Guess, Henry, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Morrison, Murray, Newschwander, North, Wanamaker—14.

Excused: Senator Keefe—1.

MOTION

On motion of Senator Knoblauch, Senator Stortini was excused.

SECOND READING

SENATE BILL NO. 2442, by Senators Goltz, Benitz, Washington and Morrison:

Authorizing state colleges to offer degrees through master's degree subject to review and recommendations of council on higher education.

MOTIONS

On motion of Senator Goltz, Substitute Senate Bill No. 2442 was substituted for Senate Bill No. 2442 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Mardesich, the following amendment was adopted:

On page 1, line 19, after "review and" strike "recommendation" and insert "approval".

On motion of Senator Goltz the rules were suspended, Engrossed Substitute Senate Bill No. 2442 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. 2442, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 2; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—45.

Absent or not voting: Senators Donohue, Murray—2.

Excused: Senators Keefe, Stortini—2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2442, having received the 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. 357, by Representative Conner:

Permitting monthly license for certain types of dump trucks.

The bill was read the second time by sections.

On motion of Senator Walgren the rules were suspended, House Bill No. 357 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. 357, and the bill passed the Senate by the following vote: Yeas, 42; nays, 3; absent or not voting, 2; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Fleming, Francis, Goltz, Gould, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Matson, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—42.

Voting nay: Senators Grant, Marsh, McDermott—3.

Absent or not voting: Senators Donohue, Lewis (Harry)—2.

Excused: Senators Keefe, Stortini—2.

HOUSE BILL NO. 357, having received the 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. 92, by Representatives Wojahn, Jueling, Curtis,

Ceccarelli, Erickson and Gilleland (by request of Committee on Commerce of the forty-third Legislature):

Imposing liability for certain taking of merchandise.

REPORT OF STANDING COMMITTEE

April 30, 1975.

ENGROSSED HOUSE BILL NO. 92, imposing liability for certain taking of merchandise (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, strike everything after the enacting clause and insert the following:

"NEW SECTION. Section 1. There is added to chapter 4.24 RCW a new section to read as follows:

(1) An adult or emancipated minor who takes possession of any goods, wares or merchandise displayed or offered for sale by any wholesale or retail store or other mercantile establishment without the consent of the owner or seller, and with the intention of converting such goods, wares or merchandise to his own use without having paid the purchase price thereof shall be liable as a penalty to the owner or seller for the retail value thereof not to exceed five hundred dollars, plus costs of preparing and presenting the action of not less than one hundred dollars nor more than two hundred dollars.

(2) The parent or legal guardian having the custody of an unemancipated minor who takes possession any goods, wares or merchandise displayed or offered for sale by any wholesale or retail store or other mercantile establishment without the consent of the owner or seller and with the intention of converting such goods, wares or merchandise to his own use without having paid the purchase price thereof, shall be liable as a penalty to the owner or seller for the retail value of such goods, wares or merchandise not to exceed five hundred dollars plus costs of preparing and presenting the action of not less than one hundred dollars nor more than two hundred dollars: PROVIDED, That for the purposes of this subsection, liability shall not be imposed upon any governmental entity or private agency which has been assigned responsibility for the minor child pursuant to court order or action of the department of social and health services.

(3) Claims, but not judgments, arising under this section may not be assigned.

(4) A conviction for violation of RCW 9.78.010 or 9.54.010 shall not be a condition precedent to maintenance of a civil action authorized by this section."

Signed by: Senators Francis, Chairman; Bottiger, Clarke, Jones, Keefe, Marsh.

Senator Clarke moved adoption of the committee amendment.

On motion of Senator Clarke, the following amendments to the committee amendment were considered and adopted simultaneously on a rising vote:

On page 1, line 15 strike "as" and insert "in addition to actual damages, for" and on line 16 strike "for" and insert "in the amount of"

On page 1, line 17 after "exceed" strike "five hundred" and insert "one thousand"

The motion by Senator Clarke carried and the committee amendment, as amended, was adopted.

On motion of Senator Clarke the rules were suspended, Engrossed House Bill No. 92, 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. 92, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 38; nays, 4; absent or not voting, 5; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Francis, Goltz, Gould, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (R. H. "Bob"), Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—38.

Voting nay: Senators Fleming, Grant, Van Hollebeke, Woody—4.

Absent or not voting: Senators Donohue, Lewis (Harry), Mardesich, Scott, Talley—5.

Excused: Senators Keefe, Stortini—2.

ENGROSSED HOUSE BILL NO. 92, 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 Francis, Engrossed House Bill No. 92, as amended by the Senate, was ordered immediately transmitted to the House.

SECOND READING

HOUSE BILL NO. 431, by Representatives Barnes, Haley, Parker, Lee, Hawkins, Becker, Sommers, Eikenberry, Chatalas and Blair:

Permitting administration of medication to aged persons in boarding homes under certain circumstances.

On motion of Senator Day the rules were suspended, House Bill No. 431 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. 431, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 2; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—45.

Absent or not voting: Senators Donohue, Lewis (Harry)—2.

Excused: Senators Keefe, Stortini—2.

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.

PERSONAL PRIVILEGE

Senator Talley: "In our Senate reception room we have a series of historical pictures and I was just out and looked at them and I would extend an invitation to you to go and look at them. Many of them are the finest works of art on historical personages of our country that I have ever had the pleasure of looking at. I think you would enjoy them, Senator Guess. Chief Joseph and the generals from the South, generals from the North. They are really beautiful pictures."

SECOND READING

ENGROSSED HOUSE BILL NO. 665, by Representatives Charette and Conner:

Permitting public auction of state material valued at \$10,000 or less.

The bill was read the second time by sections.

On motion of Senator Rasmussen, the rules were suspended, Engrossed House Bill No. 665 was advanced to third reading, the second considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Scott: "Will Senator Rasmussen yield? Senator. when was the last time this

amount was raised? That is a rhetorical question. I understand it was raised two years ago."

Senator Rasmussen: "I think it was '71."

Senator Scott: "And now we are doubling it again?"

Senator Rasmussen: "Yes. If you have ever gone to buy any lumber products, Senator Scott, you realize how inflation has hit the lumber market and the same thing with these small parcels that they are auctioning."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 665, and the bill passed the Senate by the following vote: Yeas, 38; nays, 7; absent or not voting, 2; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Fleming, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Morrison, Murray, North, Odegaard, Peterson, Pullen, Rasmussen, Sandison, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Wilson, Woody—38.

Voting nay: Senators Cunningham, Francis, Matson, Newschwander, Ridder, Scott, Washington—7.

Absent or not voting: Senators Donohue, Lewis (Harry)—2.

Excused: Senators Keefe, Stortini—2.

ENGROSSED HOUSE BILL NO. 665, having received the 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 Herr, Senate Bill No. 2020 was ordered to hold its place on the second reading calendar for Wednesday, May 7, 1975.

On motion of Senator Bailey, Engrossed Substitute House Bill No. 32 was ordered to hold its place on the second reading calendar for Wednesday, May 7, 1975.

There being no objection, Senator Donohue was excused.

President Pro Tempore Henry assumed the Chair.

SECOND READING

ENGROSSED HOUSE BILL NO. 573, by Representatives Luders, Kuehne, Knowles, Schumaker, Haussler, Amen and Patterson:

Creating grass burning research advisory committee and setting forth its powers and duties.

The bill was read the second time by sections.

On motion of Senator Washington, the rules were suspended, Engrossed House Bill No. 573 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. 573, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—46.

Excused: Senators Donohue, Keefe, Stortini—3.

ENGROSSED HOUSE BILL NO. 573, having received the 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. 366, by Representative Conner:

Changing fuel tax requirements for interstate commercial vehicles.

The bill was read the second time by sections.

On motion of Senator Walgren the rules were suspended, House Bill No. 366 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. 366, and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 2; excused, 3.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—44.

Absent or not voting: Senators Fleming, Matson—2.

Excused: Senators Donohue, Keefe, Stortini—3.

HOUSE BILL NO. 366, having received the 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. 16, by Representatives May, Warnke, Parker and Clemente:

Revising appeal procedure from orders of the department of labor and industries.

REPORT OF STANDING COMMITTEE

March 7, 1975.

ENGROSSED HOUSE BILL NO. 16, revising appeal procedure from orders of the department of labor and industries (reported by Committee on Labor):

RECOMMENDATION: Do pass with the following amendments:

On page 3, strike all of section 3 and insert the following:

"Sec. 3. Section 51.52.070, chapter 23, Laws of 1961 and RCW 51.52.070 are each amended to read as follows:

The notice of appeal to the board shall set forth in full detail the grounds upon which the person appealing considers such order, decision, or award is unjust or unlawful, and shall include every issue to be considered by the board, and it must contain a detailed statement of facts upon which such workman, beneficiary, employer, or other person relies in support thereof. The workman, beneficiary, employer, or other person shall be deemed to have waived all objections or irregularities concerning the matter on which such appeal is taken other than those specifically set forth in such notice of appeal or appearing in the records of the department. The department shall promptly transmit its original record, or a legible copy thereof produced by mechanical, photographic, or electronic means, in such matter to the board."

On page 3, beginning on line 33, strike all of the underlined material down through and including "granted" on line 35; and on line 36, after "denial" and before the period insert ": PROVIDED, That if a petition for review is not denied within said twenty days it shall be deemed to have been granted"

Beginning on line 5 of the title, after "RCW 51.52.060;" strike all of the material down to and including "RCW 51.52.090;" on line 7, and insert "amending section 51.52.070, chapter 23, Laws of 1961 and RCW 51.52.070;"

Signed by: Senators Ridder, Chairman; Bailey, Grant, Matson, Morrison, Sellar, von Reichbauer.

The bill was read the second time by sections.

On motion of Senator Ridder, the committee amendments were adopted.

On motion of Senator Ridder, the committee amendment to the title was adopted.

On motion of Senator Ridder, the rules were suspended, Engrossed House Bill No. 16, 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. 16, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; absent or not voting, 4; excused, 3.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—42.

Absent or not voting: Senators Fleming, Francis, Lewis (Harry), Newschwander—4.

Excused: Senators Donohue, Keefe, Stortini—3.

ENGROSSED HOUSE BILL NO. 16, 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. 2526, by Senator Washington:
Relating to ecology.

MOTIONS

On motion of Senator Washington, Substitute Senate Bill No. 2526 was substituted for Senate Bill No. 2526 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Washington, the following amendments were adopted:

On page 1, line 20, after "cooperation" strike all of the line 20 and 21 and insert "amongst the office of archaeological and historic preservation, the Washington archaeological research center and other agencies of the state."

On page 3, strike lines 6, 7, and 8 and insert "the landowner shall be recorded by the office of archaeological and historic preservation in the records of the county auditor of the county in which the land is located and a copy of such consent shall be transmitted by the office of archaeological and historic preservation to the Washington archaeological research center."

On page 4, line 7, after "center" and before the period insert "and by them to the office of archaeological and historic preservation"

On motion of Senator Washington, the following amendment to the title was adopted:

On line 1 of the title after "ecology" and before the semicolon insert "and historic preservation"

MOTIONS

On motion of Senator Lewis (R. H. "Bob"), Senator Gould was excused.

On motion of Senator Washington, the rules were suspended, Engrossed Substitute Senate Bill No. 2526 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Would Senator Washington yield to a question? Senator Washington, will a private owner be permitted to dig on his own property now?"

Senator Washington: "Oh yes."

Senator Rasmussen: "Are you sure?"

Senator Washington: "Yes, I am sure."

Senator Rasmussen: "That is good."

Senator Washington: "I think it is good too."

Senator Rasmussen: "It would appear to me by this bill that you are proposing that a private owner would have to go in and get a permit before he could dig arrowheads on his own property."

Senator Washington: "No, it does not provide that. It provides that if anyone wants to dig on that private owner's land, they have to get the permission from the private owner before they can dig on it."

Senator Rasmussen: "What would this do to a young lad, Boy Scout or Girl Scout out on a camping trip who picked up Indian arrowheads on some other person's property?"

Senator Washington: "It does not provide in any way for picking from the surface. It only applies to digging and excavating."

Senator Rasmussen: "How deep do you call digging? If you scrape with your toe, is that digging?"

Senator Washington: "You would have to actually excavate. I think if you really had a wonderful long toenail and can really excavate, it probably would be excavating but otherwise not, Senator."

Senator Rasmussen: "If some lad scratched the surface, that is excavating?"

Senator Washington: "He would have to do a lot of excavating, Senator, in order to make it."

Senator Rasmussen: "I would suggest you all take a good look at that because you will probably all end up in jail."

POINT OF INQUIRY

Senator Odegaard: "Will Senator Washington yield? Senator Washington, who is to police this so that the act is actually followed?"

Senator Washington: "Actually, I would feel that there is not going to be as much policing as I would like, although it does make it a misdemeanor. Probably people who are interested, landowners, would make objections if they found people excavating on their own land without a permit. Archaeological groups that went onto land and found people violating the law would probably report it, and on state lands undoubtedly your agents of the Department of Public Lands would make reports. It is like anything else. The final problem would rest with the courts and law enforcing agencies."

Senator Odegaard: "Is the permit to be gotten through the Department of Natural Resources?"

Senator Washington: "It depends upon who owns the land. A permit to dig on Natural Resources land would be with the Department of Natural Resources. If it were Game land it would be from the Department of Game, Park land by the Parks Department, Highway land, from the Highway Department."

Senator Odegaard: "Is there any cost impact to this bill, Senator Washington?"

Senator Washington: "Very little."

POINT OF INQUIRY

Senator Day: "Would Senator Washington yield? We have given away the beach-front property as it belonged to people at one time to the state, I guess, or one of its divisions. What if I come along and want to dig on that property? Who do I get the permit from and can the private owner who used to own it, or thought he owned it, stop me?"

Senator Washington: "On the beach property I am just not going to be able to give you an answer on that, but if it is under the control of the state I think the safe thing to

do, under our decision of the court, would be to get the permission from the Department of Public Lands."

Senator Day: "But the private owner who thought he owned it when he bought it cannot stop me from digging there?"

Senator Washington: "I would say he would have the same problem digging on that particular area as he would if he wanted to perhaps build on that particular area."

Senator Woody: "I was not going to ask a question. I was going to comment to Senator Rasmussen when the question was raised as to whether or not digging was required. In section 6 on page 3, it says 'on the private and public lands of this state it shall be unlawful for any person to,' and then there is a variety of things including altering or damaging. You go down to line 16 and it says 'or to remove from any such land, site or,' and then go down to line 20 and it says 'arrowheads,' so you do not need to scratch the surface. If that Boy Scout or Girl Scout was on public or private lands not owned by that Boy or Girl Scout, does not need to dig in, just has to remove from such land arrowheads and that person has committed a misdemeanor."

Senator Washington: "I believe that is tied in, however, with the excavating and when you excavate and then remove, that becomes the gist of the offense."

POINT OF INQUIRY

Senator Lewis (Harry): "Will Senator Washington yield? Senator Washington, this may be a little ridiculous but could you comment on what would happen if you are down in Copalis excavating for clams and dug up some arrowheads?"

Senator Washington: "It indicates that you have to be wilfully attempting to excavate for artifacts."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2526, and the bill passed the Senate by the following vote: Yeas, 35; nays, 10; excused, 4.

Voting yea: Senators Bailey, Beck, Bluechel, Bottiger, Buffington, Clarke, Fleming, Francis, Goltz, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Murray, North, Peterson, Pullen, Ridder, Sandison, Scott, Sellar, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—35.

Voting nay: Senators Benitz, Cunningham, Day, Morrison, Newschwander, Odegaard, Rasmussen, Talley, Van Hollebeke, Woody—10.

Excused: Senators Donohue, Gould, Keefe, Stortini—4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2526, having received the 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. 2882, by Senator Bottiger:

Exempting certain deliberations of the state's institutions of higher education from the open public meetings act.

REPORT OF STANDING COMMITTEE

April 2, 1975.

SENATE BILL NO. 2882, exempting certain deliberations of the state's institutions of higher education from the open public meetings act (reported by Committee on Higher Education):

MAJORITY recommendation: Do pass with the following amendment:

On line 11, following "the" strike all the material down through line 13.

Signed by: Senator Sandison, Chairman; Benitz, Donohue, Goltz, Odegaard, Scott.

The bill was read the second time by sections.
 Senator Sandison moved adoption of the committee amendment.
 Debate ensued.

POINT OF INQUIRY

Senator Odegaard: "Would Senator Bottiger yield? Senator Bottiger, it says on lines 11 and 12, 'or disciplining of a student or applicant for admission as a student.' Could you tell us what you mean by disciplining of a student in higher education?"

Senator Bottiger: "I think if you had the, say, problem of a student cheating on an examination and the student obviously has a right to be there, but to hold an open meeting type hearing on questions of disciplining a student for improper conduct, I do not think that the school or the institution should be compelled to have an open meeting type trial. You are going to get into personalities. You will receive the testimony or at least the evidence from those that observed the conduct. The student, by passing the meeting, I think puts an adverse effect on the institutions."

The motion by Senator Sandison failed and the committee amendment was not adopted on a rising vote.

On motion of Senator Bottiger, the rules were suspended, Senate Bill No 2882 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. 2882, and the bill passed the Senate by the following vote: Yeas, 36; nays 7, absent or not voting, 2; excused, 4.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Goltz, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Walgren, Wanamaker, Washington—36.

Voting nay: Senators Fleming, Grant, Odegaard, Van Hollebeke, von Reichbauer, Wilson, Woody—7.

Absent or not voting: Senators Francis, Talley—2.

Excused: Senators Donohue, Gould, Keefe, Stortini—4.

SENATE BILL NO. 2882, having received the 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 FOR RECONSIDERATION

On motion of Senator Washington, the Senate moved to reconsider the vote by which Engrossed Substitute Senate Bill No. 2526 passed the Senate.

MOTION

On motion of Senator Washington, Engrossed Substitute Senate Bill No. 2526 was placed on the third reading calendar for Wednesday May 7, 1975.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side and having served prior notice, Senator Cunningham moved that the Senate do now reconsider the vote by which Engrossed Substitute Senate Bill No. 2376 failed to pass the Senate on May 1, 1975.

Debate ensued.

Senator Fleming demanded a roll call and the demand was sustained by Senators Knoblauch, Van Hollebeke, Goltz, Ridder, North, Bluechel, von Reichbauer, Guess and Gould.

ROLL CALL ON MOTION FOR RECONSIDERATION

The Secretary called the roll and the motion for reconsideration by Senator Cunningham carried by the following vote: Yeas, 29; nays, 14; absent or not voting 3; excused, 3.

Voting yea: Senators Bailey, Beck, Benitz, Buffington, Clarke, Cunningham, Day, Francis, Guess, Henry, Herr, Jolly, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Matson, Morrison, Newschwander, Odegaard, Peterson, Pullen, Rasmussen, Sandison, Scott, Sellar, Talley, Walgren, Wanamaker, Wilson—29.

Voting nay: Senators Bluechel, Fleming, Goltz, Gould, Grant, Knoblauch, Marsh, McDermott, North, Ridder, Van Hollebeke, von Reichbauer, Washington, Woody—14.

Absent or not voting: Senators Bottiger, Jones, Murray—3.

Excused: Senators Donohue, Keefe, Stortini—3.

Engrossed Substitute Senate Bill No. 2376 was placed on the third reading calendar for Wednesday, May 7, 1975.

MOTION

At 4:00 p.m., on motion of Senator Mardesich, the Senate adjourned until 9:45 a.m. Wednesday, May 7, 1975.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

FIFTY-FIFTH DAY**MORNING SESSION**

Senate Chamber, Olympia, Wednesday, May 7, 1975.

The Senate was called to order at 9:45 a.m. by President Pro Tempore Henry. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present except Senators Bottiger, Fleming and Keefe. On motion of Senator Knoblauch, Senators Fleming and Keefe were excused.

The Color Guard, consisting of Pages Kimberly Olsin and Noel Gifford, presented the Colors. Reverend Jack Finney, pastor of Westminster Presbyterian Church of Olympia, offered the following prayer:

"JESUS, THINGS ARE GETTING DOWN TO THE WIRE AND THE PRESSURE IS REALLY ON. SELF-CENTERED INTERESTS CONTINUE TO POUND ON THE LEGISLATURE'S DOORS. THOSE WHO HAVE STRUGGLED SO HARD TO DO THE BEST BY EVERYONE ARE FEELING SOME SENSE OF DEFEAT AND FRUSTRATION BECAUSE MORE COULD NOT BE ACCOMPLISHED. JESUS, COMFORT THOSE WHO ARE THIS MORNING DESPAIRING AND ENLIVEN THE CONSCIENCE OF THOSE WHO TODAY ARE ONLY LOOKING OUT FOR NUMBER ONE. AS ALWAYS, WE PRAY THAT IN THE LEGISLATIVE HALLS YOUR WILL SHALL BE DONE. AMEN."

MOTION

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

REPORTS OF STANDING COMMITTEES

May 6, 1975.

SENATE BILL NO. 2938, authorizing the director of department of labor and industries to establish industrial health and safety programs for employers (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 2938 be substituted therefor and the substitute bill do pass.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Wilson, Second Vice Chairman; Clarke, Jones, Lewis (Harry), Marsh, Murray, Newschwander, Rasmussen, Washington, Woody.

Passed to Committee on Rules for second reading.

May 6, 1975.

ENGROSSED HOUSE BILL NO. 173, requiring school board directors when making available rules regarding pupil conduct, discipline and rights to spell out rights and authority of teachers (reported by Committee on Education):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Stortini, Chairman; Gould, Murray, Newschwander, von Reichbauer.

Passed to Committee on Rules for second reading.

May 1, 1975.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 591, authorizing state funding for international trade fairs (reported by Committee on Commerce):

MAJORITY recommendation: Do pass as amended and refer to Committee on Ways and Means.

Signed by: Senators Van Hollebeke, Chairman; Peterson, Ridder.
Referred to Committee on Ways and Means.

MOTION

On motion of Senator Mardesich, Senate Bill No. 2962 was ordered held on the Introduction and First Reading calendar for Monday, May 12, 1975.

MESSAGES FROM THE GOVERNOR
GUBERNATORIAL APPOINTMENTS

Office of the Governor, May 5, 1975.

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:

Jean Davis, appointed January 13, 1975 for a term ending December 31, 1979, succeeding herself as a member of the Public Disclosure Commission.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Constitution and Elections.

Office of the Governor, May 5, 1975.

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:

Joan Thomas, appointed March 2, 1975 for a term ending March 1, 1981, succeeding herself as a member of the Board of Tax Appeals.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Ways and Means.

Office of the Governor, May 5, 1975.

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:

Glen E. Correa, appointed July 1, 1975 for a term ending March 1, 1977, succeeding J. Joy Williams as a member of the Board of Tax Appeals.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Ways and Means.

Office of the Governor, May 5, 1975.

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:

Mary Wilson, appointed March 2, 1975 for a term ending March 1, 1981, succeeding herself as a member of the Board of Trustees of Eastern Washington State College.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Higher Education.

Office of the Governor, May 5, 1975.

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:

Elisabeth Johnson, appointed April 4, 1975 for a term ending April 3, 1980, succeeding Harry T. Hunt as a member of the Board of Trustees of Community College District No. 1, Peninsula Community College.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Higher Education.

Office of the Governor, May 5, 1975.

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 R. Bruckart, Jr., appointed April 10, 1975 for a term ending April 3, 1980, succeeding himself as a member of the Board of Trustees of Community College District No. 3, Olympic Community College.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Higher Education.

Office of the Governor, May 5, 1975.

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:

Arthur S. Siegal, appointed April 4, 1975 for a term ending April 3, 1980, succeeding himself as a member of the Board of Trustees of Community College District No. 6, Seattle Community College.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Higher Education.

Office of the Governor, May 5, 1975.

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 K. Hunt, appointed April 4, 1975 for a term ending April 3, 1980, suc-

ceeding Donald Matheson as a member of the Board of Trustees of Community College District No. 11, Fort Steilacoom Community College.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Higher Education.

Office of the Governor, May 5, 1975.

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:

Nancy Burnett, appointed April 3, 1975 for a term ending April 3, 1980, succeeding Leonard Stubbs as a member of the Board of Trustees of Community College District No. 17, Spokane Community College.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Higher Education.

Office of the Governor, May 5, 1975.

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:

Catharine C. Stimpson, appointed April 4, 1975 for a term ending April 3, 1980, succeeding herself as a member of the Board of Trustees of Community College District No. 21, Whatcom Community College.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Higher Education.

Office of the Governor, May 5, 1975.

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:

Lawanna B. Lee, appointed April 4, 1975 for a term ending April 3, 1976, succeeding Tim O'Grady as a member of the Board of Trustees of Community College District No. 22, Tacoma Community College.

Sincerely,
DANIEL J. EVANS
Governor.

Referred to Committee on Higher Education.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 2526, by Committee on Ecology (originally sponsored by Senator Washington):

Providing for the conservation and protection of archaeological resources.

MOTIONS

On motion of Senator Washington, the rules were suspended, Engrossed Substitute Senate Bill No. 2526 was returned to second reading.

On motion of Senator Washington, the following amendments were adopted:

On page 2, line 33 of the engrossed bill, being line 31 of the printed bill, after "to be" and before "archaeological" strike "state".

On page 3, line 30 of the engrossed bill, being line 26 of the printed bill, after the period insert "The provisions of this section shall not apply to the removal of artifacts found exposed on the surface of the ground nor to the excavation and removal of artifacts from state owned shorelands below the line of ordinary high water and from state owned tidelands below the line of ordinary high tide."

On motion of Senator Washington the rules were suspended, Reengrossed Substitute Senate Bill No. 2526 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. 2526, and the bill passed the Senate, on reconsideration, by the following vote: Yeas, 40; nays, 6; absent or not voting, 1; excused, 2.

Voting yea: Senators Bailey, Beck, Bluechel, Buffington, Clarke, Day, Donohue, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Murray, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, von Reichbauer, Walgren, Wanamaker, Washington, Wilson—40.

Voting nay: Senators Benitz, Cunningham, Morrison, Newschwander, Van Hollebeke, Woody—6.

Absent or not voting: Senator Bottiger—1.

Excused: Senators Fleming, Keefe—2.

REENGROSSED SUBSTITUTE SENATE BILL NO. 2526, 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.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 2376, by Committee on State Government (originally sponsored by Senators Guess and Cunningham):

Prescribing rights of private property owners.

Debate ensued.

President Pro Tempore Henry declared the question before the Senate to be the roll call on final passage of Engrossed Substitute Senate Bill No. 2376.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2376, and the bill passed the Senate, on reconsideration, by the following vote: Yeas, 30; nays, 16; absent or not voting, 2; excused, 1.

Voting yea: Senators Beck, Benitz, Buffington, Clarke, Cunningham, Day, Donohue, Guess, Henry, Herr, Jolly, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Matson, Morrison, Newschwander, Odegaard, Peterson, Pullen, Rasmussen, Sandison, Scott, Sellar, Stortini, Talley, Wanamaker, Wilson—30.

Voting nay: Senators Bailey, Bluechel, Francis, Goltz, Gould, Grant, Marsh, McDermott, Murray, North, Ridder, Van Hollebeke, von Reichbauer, Walgren, Washington, Woody—16.

Absent or not voting: Senators Bottiger, Jones—2.

Excused: Senator Fleming—1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2376, 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 Guess, Engrossed Substitute Senate Bill No. 2376 was ordered immediately transmitted to the House.

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

SECOND READING

ENGROSSED HOUSE BILL NO. 141, by Representatives Haussler, Hansen, Kilbury, Laughlin and Tilly:

Revising laws relating to theft of livestock and adding civil penalty.

REPORT OF STANDING COMMITTEE

March 7, 1975.

ENGROSSED HOUSE BILL NO. 141, revising laws relating to theft of livestock and adding civil penalty (reported by Committee on Agriculture):

RECOMMENDATION: Do pass with the following amendments:

On page 2, line 12 of the engrossed bill, being the last line of the House amendment to page 2, line 9, after "own use" and before "or kills" insert ", injures,".

On page 2, line 20 of the engrossed bill, being the last line of the House amendment to page 2, line 16, after "herein provided." strike the remainder of the section and add a new paragraph as follows:

"Any owner who suffers damages as a result of a violation of this section may bring a civil action, in any court of competent jurisdiction, to recover exemplary damages up to three times the actual damages sustained."

Signed by: Senators Jolly, Chairman; Benitz, Day, Sellar, Wilson.

The bill was read the second time by sections.

On motion of Senator Jolly, the committee amendment was adopted.

On motion of Senator Jolly, the following amendment was adopted:

On page 2, after section 3, insert a new section to read as follows:

"NEW SECTION. Sec. 4. Sections 1 and 2 of this 1975 amendatory act shall take effect as provided by the state Constitution and shall remain in effect until the effective date of the repeal of RCW 9.54.090 and 9.54.115 by section 9A.92.010, chapter (Substitute Senate Bill No. 2092), Laws of 197. . . ex. sess., at which time sections 1 and 2 of this 1975 amendatory act shall also be repealed."

On motion of Senator Jolly, the following amendment to the title was adopted:

On line 5 of the title in the engrossed bill, being line 6 of the printed bill, after "9.08.050;" and before "and" insert "providing a contingent repealer;"

Senator Jolly moved that the rules be suspended, Engrossed House Bill No. 141, as amended by the Senate, be advanced to third reading, the second reading considered the third, and the bill be placed on final passage.

POINT OF INQUIRY

Senator Woody: "Before we move to third reading, Senator Jolly, would you yield to a question? On the first committee amendment which we adopted quite quickly you added the word 'injures,' is that correct?"

Senator Jolly: "Injures, yes."

Senator Woody: "And would that mean that if an animal got out of a fenced area because the fence was in a deteriorated condition and got on a public highway and was hit by an automobile, which under current law where there is no open range law applicable, the owner of the animal would be liable to the automobile owner for the damages done. Now would this change that?"

Senator Jolly: "The intent of the amendment is not to change that section. This only takes care of the willful taking of or injuring, willful when injuring."

Senator Woody: "Thank you."

The motion by Senator Jolly carried. Engrossed House Bill No. 141, as amended by the Senate, was advanced to third reading and final passage.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 141, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; absent or not voting, 1; excused, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Donohue, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—47.

Absent or not voting: Senator Bottiger—1.

Excused: Senator Fleming—1.

ENGROSSED HOUSE BILL NO. 141, 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 Knoblauch, Senator Bottiger was excused.

At 10:18 a.m., on motion of Senator Mardesich, the Senate recessed until 12:30 p.m.

AFTERNOON SESSION

President Pro Tempore Henry called the Senate to order at 12:30 p.m.

MOTION

At 12:30 p.m., on motion of Senator Mardesich, the Senate recessed until 2:00 p.m.

SECOND AFTERNOON SESSION

President Cherberg called the Senate to order at 2:00 p.m.

MOTION

On motion of Senator Knoblauch, Senator Stortini was excused.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 527, by Committee on Transportation and Utilities (originally sponsored by Representatives Smith, Fortson, Becker, Sommers, Gaspard, Hawkins, North, Wilson, Berentson, Chandler, Charnley, Dunlap, Hansey, Leckenby and Sherman):

Requiring pilots and other precautions for tankers entering Puget Sound.

The Senate resumed consideration of Engrossed Substitute House Bill No. 527. There being no objection, the amendments proposed on May 6, 1975 by Senator Mardesich and an amendment to the amendment by Senator Lewis (Harry) were withdrawn.

On motion of Senator Walgren, the following amendment was adopted:

On page 3, line 5 of the engrossed bill, being the last line of the House amendment to page 2, line 35, after "1977." insert "Such study shall also include an evaluation and recommendations as to whether there should be a transfer of all duties and responsibilities of the board of pilotage commissioners to the Washington utilities and transportation commission or other state agency, and alternate methods for establishing fair and equitable rates for tug escort and pilot transfer".

There being no objection, the amendment by Senator Lewis (Harry) striking all of new section 2, on the Secretary's desk, was withdrawn.

Senator Cunningham moved adoption of the following amendment:

On page 1, beginning on line 21 with "piloted" strike the remainder of the act and insert:

"restricted in movement on the Puget Sound and adjacent waters, as determined in section 2 of this act.

NEW SECTION. Sec. 2. There is added to chapter 88.16 RCW a new section to read as follows:

(1) Any oil tanker, whether enrolled or registered, of sixty-two thousand deadweight tons or greater shall be prohibited from proceeding beyond a point east of a line extending from Discovery Island light south to New Dungeness light.

(2) An oil tanker, whether enrolled or registered, of twenty to sixty-two thousand deadweight tons may proceed beyond the points enumerated in subsection (1) if such tanker possess all of the following standard features:

(a) Shaft horsepower in the ratio of one horsepower to each two and one-half deadweight tons; and

(b) Twin screws; and

(c) Double bottoms, under all oil and liquid cargo compartments; and

(d) Two radars in working order and operating, one of which must be collision avoidance radar; and

(e) Such other navigational position location systems as may be prescribed from time to time by the board of pilotage commissioners:

PROVIDED, That if such twenty to sixty-two thousand deadweight ton tanker is in ballast or is under guidance of a tug or tugs with an aggregate shaft horsepower equivalent to five percent of the deadweight tons of that tanker this section shall not apply: PROVIDED FURTHER, That a tanker of less than twenty thousand deadweight tons is not subject to the provisions of this act.

NEW SECTION. Sec. 3. There is added to chapter 88.16 RCW a new section to read as follows:

Notwithstanding the provisions of RCW 88.16.070, any oil tanker, whether enrolled or registered, of twenty to sixty-two thousand deadweight tons, shall be required to take a Washington state licensed pilot while navigating Puget Sound and adjacent waters, except when in ballast, and shall be liable for and pay pilotage rates pursuant to RCW 88.16.030 as now or hereafter amended.

NEW SECTION. Sec. 4. There is added to chapter 88.16.RCW a new section to read as follows:

The board of pilotage commissioner is authorized to make rules and regulations pursuant to RCW 88.16.030 as necessary to implement the provisions of this act.

NEW SECTION. Sec. 5. The house and senate transportation and utilities committees are authorized and directed to study the feasibility, benefits, and disadvantages of requiring similar pilot and tug assistance for vessels carrying other potentially hazardous materials and to submit their findings and recommendations prior to the 45th session of the Washington legislature in January, 1977.

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."

Debate ensued.

POINT OF INQUIRY

Senator Talley: "Will Senator Cunningham yield to a question? Senator Cunningham, I was very impressed with your remarks and I think you were well researched and very factual. Would you consider an amendment to the bill that says that no super-tankers will be allowed to enter Puget Sound for a period of at least thirty-six months?"

Senator Cunningham: "You are saying thirty-six months and you are saying a super-tanker meaning over sixty thousand?"

Senator Talley: "Yes."

Senator Cunningham: "I am not sure that we cannot have an answer sooner than that, Senator, but that is fine."

Senator Talley: "We can come back and change it but that would give us a period of grace so we could study this thing thoroughly."

Senator Cunningham: "That is right."

On motion of Senator Wilson, the following amendment by Senator Wilson to the amendment by Senator Cunningham was adopted:

In section 3 of the Cunningham amendment, line 4 of the second paragraph, after "waters" strike ", except when in ballast,".

POINT OF INQUIRY

Senator Pullen: "Would Senator Cunningham yield to a question? Senator Cunningham, your amendment would prohibit certain oil tankers over sixty-two thousand dead weight tons from proceeding beyond a certain point in Puget Sound. Would this prohibition apply to refined petroleum products as well as to crude oil?"

Senator Cunningham: "It is my understanding, just had this brought up, that basically it would, yes."

Senator Pullen: "Would the prohibition also apply to liquified natural gas?"

Senator Cunningham: "I do not believe so."

Further debate ensued.

POINT OF INQUIRY

Senator Mardesich: "Would Senator Cunningham yield to a question? Senator Cunningham, how many ships are there available to these companies now, either under ownership or charter, which are in the twenty thousand to sixty-two thousand ton class, having a shaft horsepower in a ratio of one to one and one-half of a dead weight tons, twin screw, double bottoms?"

Senator Cunningham: "Thank you, Senator Mardesich. I am glad you asked that question. As of the last figures that I have, do you want them only in the Western Hemisphere?"

Senator Mardesich: "My question was, how many are there in the ownership of the companies who will be transporting oil from Alaska and/or under charter to those companies?"

Senator Cunningham: "I am sorry, I cannot give you the ownership by company. That is often difficult to find because the flags convenience registration. Out of the fleet there is about one hundred and eighty."

Senator Mardesich: "World wide?"

Senator Cunningham: "Yes. Three thousand four hundred, yes. They are slowly getting the message."

Further debate ensued.

MOTION

On motion of Senator Knoblauch, Senator Donohue was excused.

Senator Goltz demanded a roll call and the demand was sustained by Senators McDermott, Talley, Rasmussen, Washington, Francis, von Reichbauer, Murray, Scott and Walgren.

The President declared the question before the Senate to be the roll call and the amendment by Senator Cunningham, as amended by Senator Wilson.

ROLL CALL

The Secretary called the roll, the motion by Senator Cunningham carried and the amendment, as amended, was adopted by the following vote: Yeas, 25; nays, 21; absent or not voting, 1, excused, 2.

Voting yea: Senators Bailey, Bluechel, Cunningham, Fleming, Francis, Goltz, Gould, Grant, Henry, Keefe, Knoblauch, Mardesich, Marsh, McDermott, Murray, North, Odegaard, Ridder, Sandison, Scott, Talley, von Reichbauer, Washington, Wilson, Woody—25.

Voting nay: Senators Beck, Benitz, Bottiger, Buffington, Clarke, Day, Guess, Jolly, Jones, Lewis (Harry), Lewis (R. H. "Bob"), Matson, Morrison, Newschwander, Peterson, Pullen, Rasmussen, Sellar, Van Hollebeke, Walgren, Wanamaker—21.

Absent or not voting: Senator Herr—1.
Excused: Senators Donohue, Stortini—2.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Mardeisch moved the Senate immediately reconsider the vote by which the amendment, as amended, was adopted.

MOTION

On motion of Senator Mardesich, the motion for reconsideration on the amendment by Senator Cunningham, as amended, to Engrossed Substitute House Bill No. 527 was ordered held for Thursday, May 8, 1975.

REMARKS BY SENATOR MARDESICH

Senator Mardesich: "I should like the sponsor of the amendment to at least answer to a question to me relating to the availability of vessels in the twenty to sixty-two thousand ton class, having the requirements of subsection (2) of new section 2, to wit, the shaft horsepower, twin screw, double bottom, and such requirements."

MOTIONS

On motion of Senator Mardesich, Engrossed Substitute House Bill No. 32 was ordered to hold its place on the second reading calendar for Thursday, May 8, 1975.

On motion of Senator Mardesich, Senate Bill No. 2020 was ordered to hold its place on the second reading calendar for Thursday, May 8, 1975.

SECOND READING

SENATE BILL NO. 2292, by Senators Goltz, Gould and McDermott (by Superintendent of Public Instruction request):

Implementing the law relating to professional personnel in school districts, their certification and institutes or workshops.

The bill was read the second time by section.

On motion of Senator Goltz, the rules were suspended, Senate Bill No. 2292 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. 2292, and the bill passed the Senate by the following vote: Yeas, 45; nays, 2; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Fleming, Francis, Goltz, Gould, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—45.

Voting nay: Senators Grant, Guess—2.

Excused: Senators Donohue, Stortini—2.

SENATE BILL NO. 2292, having received the 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. 308, by Committee on Social and Health Services (originally sponsored by Representatives Parker, Newhouse, Fischer, Paris, Adams, Tilly, Fortson, Eng, Pardini, Cochrane, Conner, Bagnariol, Chatalas, May and Gallagher):

Prescribing educational and professional requirements for the profession of optometry.

REPORT OF STANDING COMMITTEE

April 17, 1975.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 308, prescribing educational and professional requirements for the profession of optometry (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, line 13 of both the engrossed and printed bills, after "and" strike "diagnosis" and insert "ascertaining any defects"

On page 10, line 36 of both the engrossed and printed bills, after "Washington," insert "or who is regularly licensed to practice as a dispensing optician in the state of Washington,"

On page 10, line 36 of both the engrossed and printed bills, after "person" strike "including a dispensing optician"

Signed by: Senators Day, Chairman; von Reichbauer, Vice Chairman; Goltz, Gould, North, Pullen, Ridder, Van Hollebeke.

The bill was read the second time by sections.

On motion of Senator Day, the committee amendment to page 2 was adopted.

Senator Day moved adoption of the committee amendment to page 10, line 36 inserting material after "Washington,"

On motion of Senator Sellar, the following amendment to the committee amendment was adopted:

Amend the committee amendment to page 10, line 36 as follows: After "or" and before "who" insert "to any person".

The motion by Senator Day carried and the committee amendment, as amended, was adopted.

On motion of Senator Day, the committee amendment to page 10, line 36 after "person" striking certain material, was adopted.

Senator Day moved adoption of the following amendment:

On page 2, line 21 after "general" insert "*and the topical application of drugs or anesthetics to the eye for the sole purpose of detecting any diseased or pathological conditions of the eye, and not for the purpose of treatment of the eye or any condition thereof; nor for the purpose of performing any surgery thereon; PROVIDED, That a person shall use drugs or anesthetics in the practice of optometry only after authorization by the Optometry Board upon satisfactory completion of a course or courses of training approved by the Board*"

Debate ensued.

Senator McDermott moved adoption of the following amendment to the amendment by Senator Day:

On line 8 of the Day amendment to page 2, line 21, strike "Optometry" and insert "Medical Licensing".

Debate ensued.

The motion by Senator McDermott carried and the amendment to the amendment by Senator Day was adopted on a rising vote.

Senator Day demanded a roll call on the amendment by Senator Day, as amended by Senator McDermott, and the demand was sustained by Senators Knoblauch, Washington, Keefe, Beck, Van Hollebeke, von Reichbauer, Bailey, Goltz and Talley.

MOTION

On motion of Senator Talley, further consideration of Engrossed Substitute House Bill No. 308, as amended, was ordered placed following House Bill No. 130.

SECOND READING

HOUSE BILL NO. 130, by Representatives Bagnariol and Shinpoch:
Changing procedure for certifying small claims judgments.

The bill was read the second time by sections.

On motion of Senator Woody, the rules were suspended, House Bill No. 130 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Will Senator Woody yield to a question? Senator Woody, as I understand it now, you go to small claims, you get a judgment and now if it is not paid within twenty days it automatically goes to the district court?"

Senator Woody: "Not under current law, no."

Senator Rasmussen: "No, under your proposal here?"

Senator Woody: "It is not automatic. Only if the prevailing party so notifies the court. The reason for that is, it may well be the losing party goes up to his house and says, 'Look you have a judgment against me. Here is the money.' And you would not want it to be automatic after the twenty days because in the interim the prevailing party may have been paid."

Senator Rasmussen: "The part that bothered me though, you said when it is transferred over to district court and then it is subject to execution which means the sheriff can file on it and sell out the property or whatever it is that the judgment is against."

Senator Woody: "That is correct. That is the same as if they had sued originally in district court, not in the small claims division of district court, but in regular district court."

Senator Rasmussen: "I do not think that was the original purpose of the small claims court. The intent is that you have the ability to collect, yes, but not to have an execution by the sheriff and hold a sheriff's sale."

Senator Woody: "That is the only way you can collect, excepting by just calling the person up on the telephone and saying, 'Would you please pay me now that I have a judgment?' The only other way is execution under the execution statute."

Senator Rasmussen: "I have read newspaper articles where some of these widows were sold out of their house and home and they never even knew what was going on, and I think that this is a step in that direction."

Senator Woody: "That could not occur here because they would first have to be sued. To be sued you have to be served and then they go to court, tell their side, the judge listens to both of them, and they either win or lose based upon the evidence. Another thing, Senator Rasmussen, under current law, if the prevailing party gets a judgment then they merely go up to not twenty days but the very next day, they can go up to the clerk of the small claims court and pay, I think it is a two dollar fee, to have that transcript of judgment from small claims filed in regular district court and then they can have the sheriff execute upon it under current law."

Senator Rasmussen: "That is my question, why do you need this change in the law then?"

Senator Woody: "It avoids two dollars which is a court cost that would be assessed against the defendant in any event and it is in the same court, district court."

Senator Rasmussen: "I think it is preferable the old way. Thank you, Senator Woody."

Senator Woody: "You may ask your son about it."

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 130, and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; absent or note voting, 1; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Ridder, Sandison, Scott, Sellar, Van Hollebeke, von Reichbauer, Walgren, Wana-maker, Washington, Wilson, Woody—45.

Voting nay: Senator Rasmussen—1.

Absent or not voting: Senator Talley—1.

Excused: Senators Donohue, Stortini—2.

HOUSE BILL NO. 130, having received the 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 Mardesich, the Senate commenced consideration of Senate Bill No. 2715.

SECOND READING

SENATE BILL NO. 2715, by Senators Gould and Stortini:
Relating to school district budgets.

MOTIONS

On motion of Senator Gould, Substitute Senate Bill No. 2715 was substituted for Senate Bill No. 2715 and the substitute bill was placed on second reading and read the second time in full.

Senator Odegaard moved adoption of the following amendment:

On page 1, line 14, strike "*effective date of*" and insert "*date*"

POINT OF INQUIRY

Senator Clarke: "Will Senator Odegaard yield? Senator, I am in accord with what you are doing but I am a little concerned about the very broad language where you say 'until thirty days after the date of any state biennial budget.' Now of course you have a biennial budget every two years and you have your school budget every year, and I think you are leaving everything up in the air with respect to the years other than the biennial budget date. Have you given that any consideration?"

Senator Odegaard: "Yes, we have, Senator Clarke, and it is my understanding that by the wording here that it would only affect the biennial budget which is every two years, and so if there was a supplemental budget passed at another time that this particular wording would have no effect on that, so that, let us say next year then, the preliminary budget for the school districts would have to be passed by the local school boards by May 10, which I believe is the date; but the other year where we pass the legislature would be thirty days after the legislature has passed our biennial budget."

Senator Clarke: "It is probably inferred that you mean the biennial budget in the same year in which you are voting the school budget but you do not say that. You say 'any biennial budget.'"

POINT OF INQUIRY

Senator Gould: "Would Senator Clarke yield? I would like to suggest that this was written with the proviso that it would only be for the odd numbered years that biennial budgets are adopted. If you would suggest wording that would clarify what you are trying to do, I would be very willing to put it into the bill."

Senator Clarke: "Senator, it is rather difficult at this time to suggest such wording. It just occurred to me that there is a possible ambiguity there and I wanted to clarify it as to what the legislative intent was."

Senator Gould: "Okay."

The motion by Senator Odegaard carried and the amendment was adopted.

On motion of Senator Odegaard, the following amendment was adopted:

On page 1, line 15, after "*schools*" and before the period insert "*has been passed by the legislature*".

On motion of Senator Gould, the following amendments were adopted:

On page 1, line 15, following the Odegaard amendment to line 15, insert ": *PROVIDED FURTHER, That the preparation of the preliminary budget shall be completed no later than the thirtieth day of June in each year*".

On page 1, after line 19, add the following:

"*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."

Senator Guess moved adoption of the following amendment:

On page 1, line 12, after "*budget*" insert "*in odd-numbered years*".

Debate ensued.

POINT OF INQUIRY

Senator Bottiger: "Mr. President and members of the Senate, I think the questions of annual sessions of the legislature are pretty well fixed and the possibility of supplemental budgets coming up and when, I really cannot see any reason for an odd number of years. Is there any advantage of an earlier preliminary budget in those years?"

Senator Guess: "Senator Bottiger, I think that the reason for the earlier budget is so that they can do better planning and certainly the teachers did not like the idea of pushing this back any further. They want to know as early as possible when they are going to be able to get their contracts, and so the earlier we can give them the contract, the better, and I do not see any reason for putting it off in the even numbered years."

Senator Odegaard: "Mr. President and members of the Senate, Senator Guess actually, I think, came up with the solution to the problem Senator Clarke brought out and I think it will clear up the matter so we will not have to just refer to the Journal."

The motion by Senator Guess carried and the amendment was adopted.

On motion of Senator Gould, the following amendment to the title was adopted:

On line 4 of the title, after "28A.65.010" insert "; and declaring an emergency".

On motion of Senator Gould, the rules were suspended, Engrossed Substitute Senate Bill No. 2715 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

President Pro Tempore Henry assumed the Chair.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2715, and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; absent or not voting, 1; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Fleming, Francis, Goltz, Gould, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, von Reichbauer, Walgren, Wana-maker, Washington, Wilson, Woody—45.

Voting nay: Senator Van Hollebeke—1.

Absent or not voting: Senator Grant—1.

Excused: Senators Donohue, Stortini—2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2715, having received the 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 Gould, Engrossed Substitute Senate Bill No. 2715 was ordered immediately transmitted to the House.

On motion of Senator Mardesich, Engrossed Substitute House Bill No. 308, as amended, was ordered placed fourth on the second reading calendar for Thursday, May 8, 1975.

On motion of Senator Mardesich, the Senate commenced consideration of House Bill No. 112.

SECOND READING

HOUSE BILL NO. 112, by Representatives Bauer, Brown, Clemente, Laughlin and McKibbin (by Superintendent of Public Instruction request):

Abolishing the accumulated sick leave fund established in the office of the superintendent of public instruction.

The bill was read the second time by sections.

On motion of Senator Marsh the rules were suspended, House Bill No. 112 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. 112, and the bill passed the Senate by the following vote: Yeas, 43; absent or not voting, 4; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, Walgren, Wanamaker, Wilson, Woody—43.

Absent or not voting: Senators Day, Fleming, von Reichbauer, Washington—4.

Excused: Senators Donohue, Stortini—2.

HOUSE BILL NO. 112, having received the 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 Mardesich, the Senate commenced consideration of Senate Bill No. 2386.

SECOND READING

SENATE BILL NO. 2386, by Senators Guess, Keefe, Donohue and Lewis (R. H. "Bob"):

Amending the laws providing for licensing of snowmobiles and providing for the distribution of such fees.

REPORT OF STANDING COMMITTEE

April 23, 1975.

SENATE BILL NO. 2386, amending the laws providing for licensing of snowmobiles and providing for the distribution of such fees (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, beginning on line 18 strike all of the material down to and including the period on line 21.

On page 4, beginning on line 7 strike all of the material down to and including "twenty percent thereof;" on line 9 and insert "in equal amounts to the commission, the department of natural resources, and the department of game,"

On page 4, beginning on line 35 strike the remainder of the section and insert:

"Each snowmobile dealer registered pursuant to the provision of RCW 46.10.050 shall register the snowmobile, or in the event the snowmobile is currently registered, transfer the registration to the new owner prior to delivering the snowmobile to that new owner subsequent to the sale thereof by the dealer. Applications for registration and transfer of registration of snowmobiles shall be made to agents of the department authorized as such in accordance with RCW 46.01.140 and 46.01.150 as now or hereafter amended."

On page 5, beginning on line 20 strike all of section 6 and renumber the remaining sections accordingly.

On page 5, line 28 after "commission" and before "thousand" strike "fifty" and insert "forty"

On page 6, line 1 after "recreation" and before "prior" strike "committee" and insert "committees of the house and senate, and the house and senate transportation and utilities committees"

Signed by: Senators Walgren, Chairman; Bentz, Bluechel, Bottiger, Guess, Knoblauch, Lewis (R. H. "Bob"), Morrison, Wanamaker.

The bill was read the second time by sections.

On motion of Senator Guess, the committee amendment to page 2 was adopted.

Senator Guess moved adoption of the committee amendment to page 4, beginning on line 7.

POINT OF INQUIRY

Senator Lewis (Harry): "Will Senator Guess yield? Senator Guess, does this in any way affect the percentage remitted to the general fund or do all of these funds go to these agencies?"

Senator Guess: "Senator Lewis, they have never gone to the general fund. The funds of the bill have always gone to the development of the facilities for the snowmobile user. The only amount of money that came to general government was to the Department of Motor Vehicles, and we have reduced the percentage which goes to the Department of Motor Vehicles, in accordance with the request of the department and the amount of money they need to administer it."

The motion by Senator Guess carried and the committee amendment to page 4, line 7 was adopted.

Senator Guess moved adoption of the committee amendment to page 4, beginning on line 35.

On motion of Senator Woody, the following amendment to the committee amendment was adopted:

Amend the committee amendment to page 4, line 35 as follows:

On line 4 of the text of the amendment, after "currently registered," insert "apply for the" and after "transfer" insert "of".

The motion by Senator Guess carried and the committee amendment, as amended, was adopted.

Senator Guess moved adoption of the committee amendment to page 5, beginning on line 20.

POINT OF INQUIRY

Senator Francis: "Will Senator Guess yield? Senator Guess, looking at this, it looks like by striking section 6 we are going to treat snowmobilers—of course, I am just the opposite of you, as you know. I think each person ought to be able to make up their own mind about what risks they are going to take, but what is the justification for saying to snowmobile operators they do not have to wear a helmet when we have continued to say that it is a crime for motorcycle riders to ride a motorcycle without wearing a helmet? What is the difference?"

Senator Guess: "Senator Francis, the statistics do not exist in the field of snowmobiles that existed at the time we adopted the mandatory helmet law for motorcycles, and I am not convinced one way or the other, but if you have any strong feelings on it, it is up to you."

President Pro Tempore Henry: "I think the answer to the question is that snow is softer than concrete."

The motion by Senator Guess carried and the committee amendment to page 5, beginning on line 20 was adopted.

On motion of Senator Guess, the remaining committee amendments were adopted.

On motion of Senator Guess, the rules were suspended, Engrossed Senate Bill No. 2386 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

MOTION

On motion of Senator Lewis (R. H. "Bob"), Senator Buffington was excused.

POINT OF INQUIRY

Senator Wilson: "Will Senator Guess yield? Senator Guess, as far as I can tell, most of what this bill does is shift money around and also authorize this pilot project."

Senator Guess: "Yes, sir."

Senator Wilson: "My question is, what direct affect, if any, does this bill have on (a) the snowmobile owner in Washington State and, (b) the snowmobile dealer in Washington State?"

Senator Guess: "I will answer the first one. The snowmobile dealer will now be required to apply for the registration of the vehicle at the time that he sells it. The hope here is that we will be able to register approximately between ten and fifteen thousand more vehicles, snowmobiles, than we have registered. When we started this thing off we did not know how many there were in the state. There was no way of getting a handle on them, and if it is left up to the voluntary registration, it is proven that we have not registered them all and this will hopefully do that. The net result on the user of the vehicles will be that there will be more money because more of them will register, and those people who work quite constantly and who are very devoted snowmobile dealers want to improve the conditions under which they operate, and it was the clubs themselves who suggested the legislation."

POINT OF INQUIRY

Senator Odegaard: "Would Senator Guess yield? Senator Guess, is it true that this bill would require a person to register a snowmobile even if it were to be used just on private property?"

Senator Guess: "Yes, sir, because we have found out that very few people will use the snowmobile on his private property at all times. There is too much of a temptation to get off the land, and so we thought that universal registration was far better than the registration as it was in the old bill."

POINT OF INQUIRY

Senator Sellar: "Will Senator Guess yield to a question? Senator, under this bill, is the section still there where if a person was purchasing a new snowmobile and intended to use it only on his own property, that he would still have to license it?"

Senator Guess: "He still does have to register it."

Senator Sellar: "He has to buy the license even though he is going to use it on his own property?"

Senator Guess: "Yes, sir. As I just explained to Senator Odegaard, we found that people pretty quick get used to their own land; they want to go out to whiter pastures, if you will, and therefore they take them out of the back yard and run them on somebody else's land."

Senator Sellar: "Senator Guess, the only thing I can say is, where I come from the back yards are pretty big."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2386, and the bill passed the Senate by the following vote: Yeas, 28; nays, 17; absent or not voting, 1; excused, 3.

Voting yea: Senators Bailey, Beck, Bluechel, Bottiger, Day, Fleming, Francis, Goltz, Gould, Guess, Henry, Herr, Jolly, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Murray, Newschwander, Pullen, Rasmussen, Ridder, Scott, Talley, Wanamaker, Washington—28.

Voting nay: Senators Benitz, Clarke, Cunningham, Jones, Matson, McDermott, Morrison, North, Odegaard, Peterson, Sandison, Sellar, Van Hollebeke, von Reichbauer, Walgren, Wilson, Woody—17.

Absent or not voting: Senator Grant—1.

Excused: Senators Buffington, Donohue, Stortini—3.

ENGROSSED SENATE BILL NO. 2386, having received the 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 Guess, Engrossed Senate Bill No. 2386 was ordered immediately transmitted to the House.

NOTICE OF RECONSIDERATION

Having voted on the prevailing side, Senator Rasmussen served notice that he would, on the next working day, move for reconsideration of the vote by which House Bill No. 112 passed the Senate.

POINT OF ORDER

Senator Lewis (Harry): "I believe the rules state at this point that Senator Rasmussen should move for immediate reconsideration. I would like a Ruling from the Chair on that."

RULING BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "Your point of order is well taken. After the fiftieth day, Senator Rasmussen, immediate reconsideration."

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Rasmussen moved that the Senate immediately reconsider the vote by which House Bill No. 112 passed the Senate. Debate ensued.

MOTIONS

On motion of Senator Rasmussen, the motion for reconsideration was held for Thursday, May 8, 1975.

On motion of Senator Mardesich, the Senate returned to the first order of business.

REPORTS OF STANDING COMMITTEES

May 7, 1975.

SENATE BILL NO. 2426, enacting the Juvenile Court Act of 1975 (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Francis, Chairman; Buffington, Clarke, Scott, Van Hollebeke, Woody.

Passed to Committee on Rules for second reading.

May 6, 1975.

ENGROSSED HOUSE BILL NO. 105, transferring the state motor pool to the department of general administration (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended by Committees on State Government and Ways and Means.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Wilson, Second Vice Chairman; Bailey, Clarke, Jones, Lewis (Harry), Marsh, Murray, Newschwander, Rasmussen, Sandison, Scott, Washington, Woody.

Passed to Committee on Rules for second reading.

May 6, 1975.

ENGROSSED HOUSE BILL NO. 464, authorizing the aeronautics commission to provide assistance to certain Indian tribes (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Henry, Vice Chairman; Beck, Benitz, Bluechel, Bottiger, Guess, Jolly, Knoblauch, Lewis (R. H. "Bob"), Morrison, Wanamaker.

Passed to Committee on Rules for second reading.

May 7, 1975.

SUBSTITUTE HOUSE BILL NO. 484, authorizing superior court judges in class AA counties to transfer to the county the administration of juvenile program (reported by the Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Francis, Chairman; Buffington, Keefe, Scott, Van Hollebeke, Woody.

Passed to Committee on Rules for second reading.

May 7, 1975.

ENGROSSED HOUSE BILL NO. 763, authorizing juvenile court and department of social and health services to retain jurisdiction over delinquent juvenile until age twenty-one (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Buffington, Clarke, Marsh, Scott, Woody.

Passed to Committee on Rules for second reading.

May 6, 1975.

SUBSTITUTE HOUSE BILL NO. 1141, providing for expedited decision regarding construction of highway between Bellevue and Seattle (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass.

Signed by: Senators Walgren, Chairman; Henry, Vice Chairman; Beck, Jolly, Knoblauch, Lewis (R. H. "Bob"), Morrison, Sellar, Wanamaker.

Passed to Committee on Rules for second reading.

MOTION

At 4:20 p.m., on motion of Senator Mardesich, the Senate adjourned until 9:45 a.m., Thursday, May 8, 1975.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

FIFTY-SIXTH DAY

MORNING SESSION

Senator Chamber, Olympia, Thursday, May 8, 1975.

The Senate was called to order at 9:45 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senator Donohue. On motion of Senator Jolly, Senator Donohue was excused.

The Color Guard, consisting of Pages Laurie Wrzesinski and Mark Cherberg, presented the Colors. Reverend Charles Loyer, pastor of Westminster Presbyterian Church of Olympia, offered the following prayer:

"ALMIGHTY GOD, WHO NEEDST BUT SPEAK THE WORD TO BRING INTO BEING THE THINGS THAT ARE NOT, BLESS WITH PATIENCE AND INSIGHT THE LEGISLATORS TO WHOM IT IS NOT GIVEN TO MAKE SOMETHING OUT OF NOTHING. GUIDE THEM THIS DAY AS THEY CAST ABOUT AMONG THE THINGS THAT ARE FOR WAYS AND MEANS OF UNDERWRITING THE ESSENTIAL PROGRAMS OF THE STATE. HELP US CONSTITUENTS TO TEMPER OUR EXPECTATIONS BY THE AWARENESS THAT THESE ARE NOT NORMAL TIMES. AND GRANT THAT THE BURDEN OF THIS DEPRESSED PERIOD MAY BE BORNE NOT BE A FEW BUT EQUITABLY BY ALL: SO THAT NO ONE NEED TAKE REFUGE IN THE PROVERBIAL BARREL BECAUSE THE REST AGREE TO MAKE DO WITH A PAIR OF PANTS AND A SHIRT AND TO SHARE THE DIFFERENCE. AMEN."

MOTION

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

REPORT OF STANDING COMMITTEE

April 30, 1975.

SENATE BILL NO. 2486, authorizing aerobic on-site sewage disposal systems (reported by Committee on Social and Health Services.

MAJORITY recommendation: That Substitute Senate Bill No. 2486 be substituted therefor and the substitute bill do pass.

Signed by: Senators Day, Chairman; Goltz, Gould, Herr, North, Pullen, Van Hollebeke.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE HOUSE

May 7, 1975.

Mr. President: The House has passed:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 351,
ENGROSSED SUBSTITUTE HOUSE BILL NO. 483, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

May 7, 1975.

Mr. President: The House has passed:
ENGROSSED SUBSTITUTE HOUSE BILL NO. 212,
ENGROSSED HOUSE BILL NO. 265, and the same are herewith transmitted.
DONALD R. WILSON, Assistant Chief Clerk.

May 7, 1975.

Mr. President: The House has concurred in the Senate amendment to EN-GROSSED HOUSE BILL NO. 102 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

May 7, 1975.

Mr. President: The House has concurred in the Senate amendments to EN-GROSSED HOUSE BILL NO. 158 and has passed the bill as amended by the Senate.

DEAN R. FOSTER, Chief Clerk.

May 7, 1975.

Mr. President: The House has concurred in the Senate amendment to SUBSTITUTE HOUSE BILL NO. 249 and has passed the bill as amended by the Senate.

DONALD R. WILSON, Assistant Chief Clerk.

MESSAGE FROM THE HOUSE

May 7, 1975.

Mr. President: The House refuses to concur in the Senate amendments to HOUSE BILL NO. 95 and asks the Senate to recede therefrom, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Jolly, the Senate refused to recede from the Senate amendments to House Bill No. 95 and asks the House for a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on House Bill No. 95 and the Senate amendments thereto: Senators Day, Sellar and Goltz.

MOTION

On motion of Senator Jolly, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

May 7, 1975.

Mr. President: The House refused to concur in the Senate amendments to SUBSTITUTE HOUSE BILL NO. 1078 and asks the Senate for a conference thereon, and the Speaker has appointed as the House conferees on Substitute House Bill No. 1078:

Representatives Martinis, Conner and Matthews.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Peterson, the request of the House for a conference on Substitute House Bill No. 1078 and the Senate amendments thereto was granted.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Substitute House Bill No. 1078 and the Senate amendments thereto: Senators Peterson, Lewis (Harry) and Odegaard.

MOTION

On motion of Senator Peterson, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

May 7, 1975.

Mr. President: The House refuses to concur in the Senate amendment and insists on its position regarding ENGROSSED HOUSE BILL NO. 278 and again asks the Senate to recede therefrom, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Day, the Senate refused to recede from the Senate amendment to Engrossed House Bill No. 278 and asks the House for a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed House Bill No. 278 and the Senate amendment thereto: Senators Day, Cunningham and Francis.

MOTION

On motion of Senator Day, the Conference Committee appointments were confirmed.

INTRODUCTION AND FIRST READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 212, by Committee on Commerce (originally sponsored by Representatives Jastad, Kalich, Haussler, Hendricks, Haley, Gallagher and Gaines):

Changing the gambling laws relating to amusement games.

Referred to Judiciary Committee.

ENGROSSED HOUSE BILL NO. 265, by Representatives Warnke, Blair and Bagnariol (by OPP&FM request):

Consolidating the appropriation process for support of teachers' retirement benefits.

Referred to Committee on Ways and Means.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 351, by Committee on State Government (originally sponsored by Representatives Warnke, Curtis, Zimmerman and Leckenby (by Department of Commerce and Economic Development request):

Revising the powers and duties of the department of commerce and economic development.

Referred to Committee on State Government.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 483, by Committee on State Government (originally sponsored by Representatives Shinpoch, Polk, Bagnariol and Dunlap):

Implementing further consolidation of state automated data processing facilities.

Referred to Committee on State Government.

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

MESSAGE FROM THE HOUSE

May 7, 1975.

Mr. President: The House has concurred in the Senate amendments to HOUSE BILL NO. 171, except the following amendment:

On page 2, line 27, after "limitations" and before the period insert "*and that such excess weights cannot be transported by rail or water for any substantial distance of the total mileage applied for*" and asks the Senate to recede therefrom, and said bill together with the Senate amendments thereto, are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Walgren, the Senate refused to recede from the Senate amendment to House Bill No. 171 and asks the House for a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on House Bill No. 171 and the Senate amendment thereto: Senators Henry, Guess and Beck.

MOTION

On motion of Senator Walgren, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

May 7, 1975.

Mr. President: The House refuses to concur in the Senate amendments to EN-GROSSED HOUSE BILL NO. 310 and asks the Senate for a conference thereon, and the Speaker has appointed as the House conferees on Engrossed House Bill No. 310: Representatives Martinis, Conner and Hansey.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Odegaard, the request of the House for a conference on Engrossed House Bill No. 310 and the Senate amendments thereto was granted.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed House Bill No. 310 and the Senate amendment thereto: Senators Donohue, Peterson and Lewis (Harry).

MOTION

On motion of Senator Jolly, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

May 7, 1975.

Mr. President: The House refuses to concur in the Senate amendment to EN-GROSSED HOUSE BILL NO. 675 and asks the Senate for a conference thereon, and the Speaker has appointed as the House conferees on Engrossed House Bill No. 675: Representatives Shinpoch, McKibbin and Flanagan.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Odegaard, the request of the House for a conference on Engrossed House Bill No. 675 and the Senate amendment thereto was granted.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed House Bill No. 675 and the Senate amendment thereto: Senators Donohue, Newschwander and Odegaard.

MOTION

On motion of Senator Odegaard, the Conference Committee appointments were confirmed.

MESSAGE FROM THE HOUSE

May 7, 1975.

Mr. President: The House refused to concur in the Senate amendments to HOUSE BILL NO. 205 and asks the Senate to recede therefrom, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Stortini, the Senate refused to recede from the Senate amendments to House Bill No. 205 and asks the House for a conference thereon.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on House Bill No. 205 and the Senate amendments thereto: Senators Stortini, Gould and Odegaard.

MOTION

On motion of Senator Stortini, the Conference Committee appointments were confirmed.

MOTION

On motion of Senator Mardesich, the Senate resumed consideration of Engrossed Substitute House Bill No. 308.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 308, by Committee on Social and Health Services (originally sponsored by Representatives Parker, Newhouse, Fischer, Paris, Adams, Tilly, Fortson, Eng, Pardini, Cochrane, Conner, Bagnariol, Chatalas, May and Gallagher):

Prescribing educational and professional requirements for the profession of optometry.

The Senate resumed consideration of Engrossed Substitute House Bill No. 308, as amended by the Senate, an amendment moved for adoption by Senator Day on May 7, 1975. At that time, an amendment to the amendment by Senator McDermott was adopted.

There being no objection, the amendment by Senator Day, as amended by Senator McDermott, was withdrawn.

Senator Day moved adoption of the following amendment:

On page 2, line 21, after "general" insert "*and shall not include the use of drugs or anesthetics applied to the eye for the purpose of treatment of any condition thereof, nor for the purpose of performing any surgery thereon, except, however, the topical application of drugs or anesthetics to the eye for the sole purpose of detecting any diseased or*

pathological condition of the eye: PROVIDED, That a licensee shall use drugs or anesthetics in the practice of optometry only after the successful completion of a course or courses, approved by the optometry board, and provided by the University of Washington medical school."

POINT OF ORDER

Senator McDermott: "I would like to raise the question of scope and object on this amendment. I think it expands the basic intent of the bill. I would like your ruling on that."

Debate ensued.

RULING BY THE PRESIDENT

The President: "The President shares the concern as so ably expressed by Senator McDermott, Senator Francis, Senator Sellar, and Senator Bailey, but in ruling upon the point of order as raised by Senator McDermott, the President finds that Substitute House Bill No. 308 is a measure pertaining to the practice of optometry. The bill, among other things, defines optometry to include the examination of the eyes. The proposed amendment clarifies that drugs and anesthetics may be used in connection with examination and specifically states that drugs may not be used for treatment and also provides for a method of authoritative approval subject to educational and training requirements. In other words, the state board must pass upon this eventually. The amendment, therefore, does not enlarge the scope and object of the bill and the point is not well taken."

Senator Day demanded a roll call and the demand was sustained by Senators Sellar, Talley, Bottiger, von Reichbauer, Buffington, Cunningham, Van Hollebeke, Sandison and Keefe.

POINT OF INQUIRY

Senator Sellar: "Senator McDermott, could you describe to me some of the hazards of using topical medication in the eye?"

Senator McDermott: "Yes, I never thought I would be getting up in the Senate to give a lecture in the diseases of the eye, but I think it is important to understand what is happening in this issue. The problem that the optometrist and the ophthalmologist is faced with is the diagnosis of the disease that is called glaucoma. Glaucoma is a disease where there is increased pressure inside the eyeball to the point where ultimately there is so much pressure on the optic nerve that somebody goes blind. Now that is the problem. You are trying to prevent blindness. There are several ways to detect glaucoma. The first is, and this is the way that presently is allowed under the law for both optometrists and ophthalmologists, the instrument is called a puff tonometer. What it does, it shoots a little puff of air against the eyeball and indents the eyeball. The instrument measures how much the eyeball indents and says that there is so much pressure in the eye and if it is above a certain point it is a danger point, and medication is prescribed to stop glaucoma.

"Now what this amendment is intended to do is to give the optometrist an additional ability which he does not now have, that is, there is a second kind of tonometer which is rested on the eyeball. First of all; you put a drop of topical anesthetic in the eye so that you do not feel it. If you put something on the eyeball it is intensely painful. You put the anesthetic on it; then you can set this little instrument right on the cornea, the part that you look through. There is always the danger that the patient will move, that the patient will jump or whatever, become startled, and in so doing, in placing it on the eye you can easily scratch the front of the eye, the cornea, which is the part that you look through. Now it is an ever present danger. Corneal scratches happen all the time and the average ophthalmologist, it is standard practice at this point, to put one drop of an antibiotic ointment in the eye. This bill would not allow you to do this. This says there will be no treatment, so if the optometrist accidentally, and even the best ophthalmologist or optometrist can scratch an eye, if he does that he would have to send you out and down the street for treatment, to the next county, wherever there was somebody who could prescribe the medication.

"The second problem is that with the introduction of that topical anesthetic you can get anaphylactic reactions. Now that is a big Latin word that means you go into shock. If you go into shock you can die in very short order. The treatment for that is an immediate shot of adrenaline. Now this bill says there will be no treatment, so if the optometrist has put the drop in your eye and you go into shock, well, I guess he calls the county ambulance service or whatever because he cannot give you the treatment.

"There are a number of other things this bill presently would allow. I frankly think that the amendment is a very skillful one, using an old legislative technique. First you reach for the whole thing, then you come to an amendment that takes a little less but it is still unacceptable. The medical school would never approve this kind of dichotomy for the optometrist because you would be putting them in the position of doing one other thing that they presently cannot do and that is dilate the eyes. Now when you put a drop of dilator into the eye, one drop, the choice drug for children is called atropine. Many children, excuse me, not many, it is a fairly rare occurrence but it does occur where there is an instant development of shock. A child has trouble breathing and can die. Secondly, there have been documented cases of convulsions from one drop in the eye of the choice drug which is atropine. Now if you leave the optometrist with the possibility of dilating the eye and then the possibility of not giving the immediately necessary treatment, you allow a child to die in a way that does not make any sense at all.

"Now I think that you have to be recognizing we have already had bills here about malpractice, and what you are doing is putting the optometrist out there very nicely in a terrible position. There will be so many suits out of this kind of bill. It really will not raise the level of practice because no good optometrist would be interested in the slightest in having the ability to diagnose but not treat the results of his diagnosis, and I think every time you use a drug you run this risk. Now there have been lots of court cases on this and they all come out the same way, that once you get into diagnosis you are opening yourself up to the whole thing and if you give part like this, you ultimately put the people in a worse position because the average person walking in off the street will not have had the benefit of the kind of explanation which I have given you here. He will not know what he is getting, and when he has the shock it is too late, and it is for that reason that this amendment should be voted down."

POINT OF INQUIRY

Senator Fleming: "Would Senator McDermott yield to a question? Are you saying that optometrists presently can put drops into the eyes?"

Senator McDermott: "Presently they cannot."

Senator Fleming: "Okay. Do you know for a fact that any of them do it?"

Senator McDermott: "As far as I know they do not except under very limited circumstances in a situation like Group Health. For instance, Group Health hires optometrists and in a situation where there is an emergency room right around the corner and an ophthalmologist across the hall, they are using drops, and in that situation it is a perfectly reasonable thing to do; but what we are talking about here is an independent practitioner practicing any place who does not have that kind of backup immediately available. I think that the situation of somebody inside a HMO is probably at this point somewhat questionable under the law but I think that it is covered or they feel they can get away with it because they have immediate instant emergency service."

Senator Fleming: "Two further questions. Secondly, are some of the optometrists endowed with the training and so forth that some of the ophthalmologists have had to be able to do these kinds of things?"

Senator McDermott: "Do I understand, are ophthalmologists involved in the training of optometrists?"

Senator Fleming: "No, no, are some of the optometrists that you know now presently practicing, have they had the same kind of training in the area that covers the eye dropping as some of the ophthalmologists?"

Senator McDermott: "I am not aware of any optometrists who have also gone to medical school and had ophthalmology."

Senator Fleming: "No, but I meant the part about working with the eyes and the drops. I recognize that the ophthalmologist is an M.D. and he goes through X number of years of schooling and then he takes maybe a year's school or something on the eyes, where the optometrist has taken his four years schooling on the eyes, but in the area where you are talking about examining the eyes and the drops in the eyes, I think there are probably specific courses that the ophthalmologist has taken to be qualified, other than an M.D. to do that area of examination."

Senator McDermott: "I understand that there are some pharmacological courses for optometrists and the problem with that is that simply learning about drugs is not enough. For instance, if a child starts to have an anaphylactic shock, the first thing you would do is take the pulse and you would listen to the heart and unless you have been trained in those things, merely knowing what the drug might be would not be enough. You would need to be able to make a whole body diagnosis so that you would know which drug to use. That is the major problem."

Senator Fleming: "I guess my last question would also parallel that one. If you take a dentist and he or she is shooting Novocain into the jaw or mouth of a patient and so forth and there is certain kinds of reactions to Novocain or whatever that would come about and that dentist is out there in the boonies just like anyone else, and the treatment for the reaction of that Novocain and so forth, would that not be almost the same type situation with the optometrist, that that dentist could not make those kinds of treatment? He would have to send that individual to an M.D.?"

Senator McDermott: "I am not sure exactly how Senator Newschwander handles this problem, but it would be my opinion that a good dentist would have immediately available in his office a syringe and also would have an ampule of adrenaline immediately available to treat such a situation, and he is licensed under the law to do so, so I think that it is not an analogous situation."

Senator Fleming: "Are you saying that there are not those situations that would come about as a result of the injection of some kind of drug or so forth that a dentist would use, whether it is Novocain or whatever it is into a person, and certain reactions would come from that. That dentist would not be capable, would not be in a position to treat the reactions from that drug?"

Senator McDermott: "The dentist has had an entirely different kind of training, with the whole body study with an emphasis on the mouth, and he is judged competent to handle that because of his training; and I do not think you can really call it an analogous situation because of the nature of the training and the use of drugs. He spends a major part of his time in dental school learning about drugs and their uses and their side reactions. That is the thing that is the problem."

Senator Fleming: "I guess the reason for my last question is, besides dentists, there are probably other areas of treatment that we receive from doctors or physicians or whatever that I felt might have an analysis as to your situation where they are not equipped to deal with the treatment but only the diagnosis."

Senator McDermott: "I would really like to hear Senator Newschwander answer that question. I do not think it is analogous in the least, Senator."

POINT OF INQUIRY

Senator Day: "Would Senator McDermott yield to a question? How many documented cases do you know of a child's death from this type of death?"

Senator McDermott: "I talked to three ophthalmologists last night on this, combined total practice experience of about thirty-five years between the three of them. In that group there was not a death that I know of. There were seven convulsions — I polled them — they had had twelve anaphylactic shocks in their office. Now it is not a frequent occurrence but if you are the one who dies, it is one hundred percent, and what we are talking about is opening up the possibility to more people doing it in unprotected situations. The fact that it is handled and caught early, the fact that it does not go on to a convulsion or on to anaphylactic shock and death is only because they have immediately available the treatment."

Senator Day: "It could also be that maybe they should take this course again too that we are suggesting in the amendment. I have another question, Senator. How many states now authorize the use of topical drugs for examination only in optometry?"

Senator McDermott: "I do not know that."

Senator Day: "I do know that, and in the last few years seven states have given optometrists with special training, and that is what we are asking for, the right to do a thorough examination and that is what this whole thing is about."

Debate ensued.

POINT OF INQUIRY

Senator Lewis (R. H. "Bob"): "Mr. President, as a layman I have to look to some experts that have not been heard from to my knowledge, and if they have I have overlooked it. If I understand correctly, the six hour training course is to be administered by the University of Washington Medical School. Is that correct? Have the University of Washington Medical School prescribed any requirements for those who take this course? In other words, do they have to be M.D.'s or can they be optometrists to take this six hour course? Is there any requirement to take the course?"

Senator Day: "The way the amendment is written, it says, 'Approved by the optometry board and provided by the University of Washington Medical School.' Now certainly I would not think that the University of Washington Medical School would prescribe an inadequate course. That is the point. I do not think they would provide a course unless they felt it was an adequate one."

Senator Lewis (R. H. "Bob"): "Are we by this amendment legislating to the University of Washington that they shall provide it to optometrists?"

Senator Day: "No, we are not, but we are saying that they would have to provide it for the statute to be meaningful."

Senator Lewis (R. H. "Bob"): "Has the University of Washington Medical School said or taken a position that this is something that we think the optometrists should have, or have they taken a position that the optometrists should not have this?"

Senator Day: "To my knowledge they have not taken any position on it at all but it is a public institution and I think that the legislature certainly has the right to prescribe requirements for the University, and certainly this is nothing other than a request that they provide the course. Now the thing is that if they provided a course that was not acceptable to the optometric board, why then of course the course could not go on."

Senator Lewis (R. H. "Bob"): "So there is no position by the University of Washington Medical School on this?"

Senator Day: "No."

Senator Lewis (R. H. "Bob"): "I am disappointed that we do not have that kind of information before us."

Further debate ensued.

Senators Peterson, Herr and Day demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be the roll call on the amendment by Senator Day.

ROLL CALL

The Secretary called the roll and the amendment was adopted by the following vote: Yeas, 24; nays, 21; absent or not voting, 3; excused, 1

Voting yea: Senators Bailey, Beck, Benitz, Bottiger, Buffington, Day, Fleming, Herr, Jolly, Keefe, Knoblauch, Marsh, Matson, Morrison, Murray, Peterson, Pullen, Ridder, Sandison, Scott, Stortini, Talley, Van Hollebeke, von Reichbauer—24.

Voting nay: Senators Bluechel, Clarke, Cunningham, Francis, Goltz, Gould, Grant, Guess, Jones, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, McDermott, Newschwander, North, Sellar, Walgren, Wanamaker, Washington, Wilson, Woody—21.

Absent or not voting: Senators Henry, Odegaard, Rasmussen—3.

Excused: Senator Donohue—1.

POINT OF ORDER

Senator Lewis (Harry): "Mr. President, the roll and the vote has been announced. I recognize the gavel has not fallen but I think in the order of the Senate we would be in a constant can of worms under this condition."

RULING BY THE PRESIDENT

The President: "Senator Lewis, in ruling upon your point of order, the President wishes to point out that traditionally the President announces the final vote."

The motion by Senator Day carried and the amendment was adopted.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Bailey moved that the Senate reconsider the vote by which the amendment by Senator Day was adopted.

The motion for reconsideration carried on a rising vote.

Senator Day demanded a Call of the Senate. The Call of the Senate was not sustained on a rising vote.

MOTION

On motion of Senator Mardesich, reconsideration by Senator Bailey of adoption of the amendment by Senator Day was made a special order of business at 12:15 p.m. today.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of Senate Bill No. 2020.

SECOND READING

SENATE BILL NO. 2020, by Senator Herr:

Establishing a state lottery, subject to referendum.

REPORT OF STANDING COMMITTEE

April 14, 1975.

SENATE BILL NO. 2020, establishing a state lottery, subject to referendum (reported by Committee on State Government):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, line 33, after "sources" strike the remainder of subsection (k) down through and including the semicolon on page 3, line 10 and insert the following:

"among:

(i) payments of prizes to the holders of winning tickets or shares, which shall not be less than forty-five percent of the gross income from such lottery;

(ii) payments of costs incurred in the operation and administration of the lottery, including the expenses of the lottery and the costs resulting from any contract or contracts entered into for promotional, advertising, or operational services or for the purchase or lease of lottery equipment and materials, which payments shall not exceed fifteen percent of the gross income from such lottery;

(iii) repayment of the moneys appropriated to the state lottery fund pursuant to section 24 of this act; and

(iv) transfers to the general fund, which shall not be less than forty percent of the gross income from such lottery;"

Signed by: Senators Rasmussen, Chairman; Day, Henry, Knoblauch, Wanamaker.

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. 2020 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

Senator Talley demanded the previous question. The demand was not sustained.
Further debate ensued.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2020 and the bill failed to pass the Senate by the following vote: Yeas, 26; nays, 22; absent or not voting, 1.

Voting yea: Senators Bailey, Beck, Bottiger, Day, Donohue, Fleming, Francis, Grant, Henry, Herr, Keefe, Knoblauch, Lewis (Harry), Mardesich, Marsh, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Woody—26.

Voting nay: Senators Benitz, Bluechel, Buffington, Clarke, Cunningham, Goltz, Gould, Guess, Jolly, Jones, Lewis (R. H. "Bob"), Matson, McDermott, Morrison, Murray, Newschwander, North, Pullen, Scott, Wanamaker, Washington, Wilson—22.

Absent or not voting: Senator Sellar—1.

ENGROSSED SENATE BILL NO. 2020, having failed to receive a sixty percent majority, was declared lost.

MOTION

At 11:35 a.m., on motion of Senator Mardesich, the Senate recessed until 1:10 p.m.

AFTERNOON SESSION

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

REMARKS BY THE PRESIDENT

The President: "Honored members of the Senate, the President would like to correct the announcement of the final passage vote on Senate Bill No. 2020. The correct announcement of that vote and the result should have been and now is that Senate Bill No. 2020, having received the constitutional majority is declared passed. There being no objection, the title of the bill will stand as the title of the act. Senate Bill No. 2020 is the bill establishing a state lottery subject to referendum."

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

MESSAGES FROM THE HOUSE

May 8, 1975.

Mr. President: The Speaker as signed:

HOUSE BILL NO. 102,

HOUSE BILL NO. 158, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

May 8, 1975.

Mr. President: The Speaker has signed:

HOUSE BILL NO. 357,

HOUSE BILL NO. 366,

HOUSE BILL NO. 431,

HOUSE BILL NO. 573,

HOUSE BILL NO. 665, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

May 8, 1975.

Mr. President: The Speaker has signed: SUBSTITUTE HOUSE BILL NO. 249, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:
HOUSE BILL NO. 102,
HOUSE BILL NO. 158,
SUBSTITUTE HOUSE BILL NO. 249,
HOUSE BILL NO. 357,
HOUSE BILL NO. 366,
HOUSE BILL NO. 431,
HOUSE BILL NO. 573,
HOUSE BILL NO. 665.

MOTION

At 1:15 p.m., on motion of Senator Mardesich, the Senate adjourned until 9:45 a.m., Friday, May 9, 1975.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

FIFTY-SEVENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, May 9, 1975.

The Senate was called to order at 9:45 a.m. by President Cherberg. The Secretary called the roll and announced to the President all Senators were present except Senators Grant, Matson and Rasmussen. On motion of Senator Lewis (R. H. "Bob"), Senator Matson was excused. There being no objection, Senator Rasmussen was excused. On motion of Senator Knoblauch, Senator Grant was excused.

The Color Guard consisting of Pages Nancy Seiber and Breck Haining, presented the Colors. Reverend Charles Loyer, pastor of Westminster Presbyterian Church of Olympia, offered the following prayer:

"OUR HEAVENLY FATHER, WE THANK YOU FOR THE MIRACLE OF NATURE'S WORKING—THIS CRISP BRIGHT DAY THAT GREETED US ON OUR AWAKENING. GRANT THAT SOME OF ITS PROMISE MAY FILTER THROUGH THE OVERCAST OF PRESSURES AND FRUSTRATIONS TO BRIGHTEN AND WARM THE LIVES OF OUR LEGISLATORS. HELP THEM TO BEAR THE HEAT AND BURDEN OF THIS DAY. GIVE THEM READY HANDLES BY WHICH TO SEIZE THE GREAT ISSUES AND TURN THEM TO THE GREATEST GOOD FOR ALL CONCERNED. MAKE POSSIBLE BRIEF INTERLUDES OF HUMOR AND RELAXATION WHEN BURDENS ARE MOMENTARILY LIFTED AND THE MIND CAN RECOVER FROM ITS STRESS FATIGUE. AND BLESS THEIR EFFORTS WITH LEGISLATION THAT WILL WIN THE APPROBATION OF TIME. AMEN."

MOTION

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

REPORTS OF STANDING COMMITTEES

May 7, 1975.

SENATE BILL NO. 2911, revising the controlled substances act (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Francis, Goltz, Gould, McDermott, North, Pullen, Ridder.

MINORITY recommendation: Do not pass.

Signed by: Senators Day, Chairman; Buffington, Cunningham, Herr, Van Hollebeke.

Passed to Committee on Rules for second reading.

May 7, 1975.

SUBSTITUTE HOUSE BILL NO. 296, increasing petty cash account limit (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass.

Signed by: Senators Day, Chairman; von Reichbauer, Vice Chairman; Francis, Goltz, North, Pullen, Van Hollebeke.

Passed to Committee on Rules for second reading.

May 8, 1975.

SUBSTITUTE HOUSE BILL NO. 409, classifying electrician licenses as general and specialty (reported by Committee on Commerce):

RECOMMENDATION: Do pass.

Signed by: Senators Van Hollebeke, Chairman; Cunningham, Morrison, Peterson, Ridder.

Passed to Committee on Rules for second reading.

May 8, 1975.

ENGROSSED HOUSE BILL NO. 595, prohibiting certain practices by camping clubs and prescribing penalties (reported by Committee on Commerce):

RECOMMENDATION: Do pass.

Signed by: Senators Van Hollebeke, Chairman; Cunningham, Morrison, Peterson, Ridder.

Passed to Committee on Rules for second reading.

May 8, 1975.

ENGROSSED HOUSE BILL NO. 606, permitting young adults to work in class H premises (reported by Committee on Commerce):

MAJORITY recommendation: Do pass.

Signed by: Senators Van Hollebeke, Chairman; Morrison, Peterson, Ridder.

Passed to Committee on Rules for second reading.

MESSAGES FROM THE HOUSE

May 8, 1975.

Mr. President: The Speaker has signed HOUSE BILL NO. 130, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

May 8, 1975.

Mr. President: The House has passed:
 SENATE BILL NO. 2024,
 ENGROSSED SENATE BILL NO. 2218,
 SENATE BILL NO. 2297, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

May 8, 1975.

Mr. President: The House has passed:
 ENGROSSED HOUSE BILL NO. 620,
 ENGROSSED HOUSE BILL NO. 798,
 SUBSTITUTE HOUSE BILL NO. 1011,
 ENGROSSED HOUSE BILL NO. 1043,
 ENGROSSED HOUSE BILL NO. 1050,
 HOUSE BILL NO. 1075, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:
 HOUSE BILL NO. 130.

INTRODUCTION AND FIRST READING

ENGROSSED HOUSE BILL NO. 620, by Representative Maxie:

Authorizing certain supplemental payment survivors option under state universities retirement plans when employee otherwise eligible but died without exercising option.

Referred to Committee on Higher Education.

ENGROSSED HOUSE BILL NO. 798, by Representatives Kuehnle, Savage and Juelling:

Allowing supervisor of industrial insurance to authorize continuing medication necessary to alleviate pain from industrial injuries.

Referred to Committee on Labor.

SUBSTITUTE HOUSE BILL NO. 1011, by Committee on Higher Education (originally sponsored by Representatives Savage and Conner):

Permitting transfer of and preserving rights of academic personnel of community colleges working in correctional institutions if program transferred to another community college district.

Referred to Committee on Higher Education.

ENGROSSED HOUSE BILL NO. 1043, by Representative Savage:

Requiring an employer to assure a workman on temporary disability of a light duty position.

Referred to Committee on Labor.

ENGROSSED HOUSE BILL NO. 1050, by Representatives Kilbury, Amen and Becker:

Making emergency appropriations for grain inspections.

Referred to Committee on Ways and Means.

HOUSE BILL NO. 1075, by Representatives Curtis and Polk:

Transferring certain state funds to the general fund.

Referred to Committee on Ways and Means.

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

REPORT OF CONFERENCE COMMITTEE

May 8, 1975.

Mr. President:

Mr. Speaker:

We, of your Conference Committee, to whom was referred ENGROSSED HOUSE BILL NO. 385, increasing the assessment per head on cattle have had the same under consideration, and we recommend that we cannot agree on the following Senate amendment:

On page 1, line 8, after "sale:" and before ". That," insert "*PROVIDED, That on July 1, 1977, the assessment of twenty cents per head shall be reduced to ten cents per head, and at that time the director may, following a hearing subject to the Administrative Procedures Act, RCW 34.04, increase the assessment to not more than twenty cents per head: PROVIDED FURTHER*"

We, therefore, respectfully request powers of Free Conference for the purpose of submitting the following substitute amendment:

On page 1, line 8, after "sale:" strike "PROVIDED" and insert "*PROVIDED, That on July 1, 1977 the assessment of twenty cents per head shall be reduced to ten cents per head, unless the director finds, after a hearing held in accordance with the Administrative Procedures Act, RCW 34.04, which shall be held at least sixty days prior to July 1, 1977, that the assessment should be otherwise, but in no instance may such assessment exceed twenty cents per head: PROVIDED FURTHER*".

Signed by: Senators Benitz, Jolly and Wilson; Representatives Amen, Hansen and Kilbury.

MOTION

On motion of Senator Jolly, the report of the Conference Committee was adopted and the committee was granted the powers of Free Conference.

CONFIRMATION OF GUBERNATORIAL APPOINTMENT

MOTION

On motion of Senator Mardesich, the appointment of CLINTON de GABRIELLE as Director of the Washington State Data Processing Authority was confirmed.

APPOINTMENT OF CLINTON de GABRIELLE

The Secretary called the roll. The appointment was confirmed by the Senate by the following vote: Yeas, 43; absent or not voting, 3; excused, 3.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Guess, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—43.

Absent or not voting: Senators Henry, Herr, Stortini—3.

Excused: Senators Grant, Matson, Rasmussen—3.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of Senate Bill No. 2966.

SECOND READING

SENATE BILL NO. 2966, by Senator Sellar:

Relating to fire districts.

MOTIONS

On motion of Senator Sellar, Substitute Senate Bill No. 2966 was substituted for Senate Bill No. 2966 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. 2966 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. 2966, and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 2; excused, 3.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Guess, Henry, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Ridder, Sandison, Scott, Sellar, Stortini, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—44.

Absent or not voting: Senators Herr, Talley—2.

Excused: Senators Grant, Matson, Rasmussen—3.

SUBSTITUTE SENATE BILL NO. 2966, having received the 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 Mardesich, the Senate commenced consideration of Engrossed House Bill No. 139.

SECOND READING

ENGROSSED HOUSE BILL NO. 139, by Representatives Martinis, Bausch, Clemente, Kilbury, Matthews, Schumaker, Hurley (George), Moreau, Hansey, White-side and Bond:

Regulating the sales of valuable material from public lands.

The bill was read the second time by sections.

On motion of Senator Peterson, the rules were suspended, Engrossed House Bill No. 139 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. 139, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 1; excused, 3.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Guess, Henry, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—45.

Absent or not voting: Senator Herr—1.

Excused: Senators Grant, Matson, Rasmussen—3.

ENGROSSED HOUSE BILL NO. 139, having received the 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 Mardesich, the Senate commenced consideration of Senate Bill No. 2862.

SECOND READING

SENATE BILL NO. 2862, by Senator Sellar:

Deleting local government employees from law setting holidays for state employees.

The bill was read the second time by sections.

Senator Fleming moved adoption of the following amendment by Senators Sellar and Fleming:

On page 1, line 25, after "state" strike "[and its political subdivisions]" and insert "and either the federal or the state legal holiday may be recognized as a paid legal holiday for employees of [its] political subdivisions of the state"

POINT OF INQUIRY

Senator Knoblauch: "Would Senator Fleming yield? Senator Fleming, if I recall, last year the county celebrated May 30 and the state had another holiday. What will your amendment do? Will my county be forced to go along with the different date?"

Senator Fleming: "No, the amendment would not force your county to do anything. I think we did change the law to put the state holidays back to what the federal holidays were with the exception of a bill we failed to pass this year, I think it was dealing with school holidays, that there are some differences. Now there are two holidays, I think it is, one is Veterans' Day and another that there are differences. What this bill would do, it would not mandate anything. The basis for it is like on ports, at the ports, they have both federal type employees and state type employees working side by side and they are taking different days for holidays. To make a more orderly process, if they want to negotiate that they would like both of those employees taking the same day, whether it was the federal day or the state holiday, so this gives them the authorization. It is an optional type situation."

POINT OF INQUIRY

Senator Clarke: "Will Senator Fleming yield? Senator, I wonder if you would object if you had an amendment before you in order to make certain what you have just stated. Would you object to an oral amendment between 'holiday' and 'may' inserting the words 'but not both'?"

Senator Fleming: "Yes, I have no problem."

Senator Clarke moved adoption of the following amendment to the amendment by Senators Sellar and Fleming:

Amend the Sellar/Fleming amendment to page 1, line 25 as follows: On line 3 of the amendment after "legal holiday" insert ", but not both,"

Debate ensued.

POINT OF INQUIRY

Senator Francis: "Will Senator Fleming yield? Senator Fleming, now that we have this amendment on here, are we allowing local government to do what I heard so many complaints about in the newspapers, that is, are we allowing local government to create further confusion by having different holidays than Memorial Day being on May 30, for example, and Veterans' Day being on November 11? Are we allowing the counties to deviate from that and the other local government bodies, by this bill?"

Senator Fleming: "Technically I think that that could be the case. In our testimony, the local government, the part of the law that we are amending, the local government in terms of the cities and counties and so forth expressed no desire to do this. It was mainly the ports that came in asking for this ability because of their unique situation, but technically that could be the case.

Senator Francis: "Thank you."

Further debate ensued.

POINT OF INQUIRY

Senator Francis: "Will Senator Fleming yield? Senator Fleming, am I misinterpreting the bill or doesn't it allow all local government to do this?"

Senator Fleming: "You are right. Technically it would allow that. The point I was

making was that local government was not the one that was having conflict with the state holiday, the state versus the federal."

Senator Francis: "Okay. I understand that. Senator Fleming and members of the Senate, what I would suggest then is that we ought to go back to the drawing board with this, that we have got way too broad a bill. If you have got a specific problem for a specific area, why do we open it up so wide that possibly half the cities and half the counties in the state will be observing one holidays and half the other? I think that we have created a problem here with this bill and that it is not narrowly speaking enough to the specific problem that it is trying to solve. I think it may end up creating a lot more problems than it solves."

Senator Fleming: "Mr. President, I think the question is that as you might foresee it, local government units themselves, I do not foresee them going in conflict or contradictory to the state holidays but there might be some isolated situations where there are some contracts involved in some areas and you might want to give that flexibility to certain entities to be able to do that, but I do not see the cities or the counties going contrary to the state holidays."

Further debate ensued.

MOTIONS

Senator Marsh moved that Senate Bill No. 2862 be re-referred to the Committee on Local Government.

Senator Talley moved that Senate Bill No. 2862, together with the pending amendments, be made a special order of business for 2:00 p.m. today.

There being no objection, the motion by Senator Marsh was withdrawn.

The motion by Senator Talley carried and Senate Bill No. 2862, together with the pending amendments, was made a special order of business for 2:00 p.m. today.

MOTION

On motion of Senator Mardesich, the Senate resumed consideration of Engrossed Substitute House Bill No. 308.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 308, by Committee on Social and Health Services (originally sponsored by Representatives Parker, Newhouse, Fischer, Paris, Adams, Tilly, Fortson, Eng, Pardini, Cochrane, Conner, Bagnariol, Chatalas, May and Gallagher):

Prescribing educational and professional requirements for the profession of optometry.

The Senate resumed consideration of Engrossed Substitute House Bill No. 308 and the reconsideration of the vote by which the following amendment by Senator Day was adopted on Thursday, May 8, 1975:

On page 2, line 21, after "general" insert "*and shall not include the use of drugs or anesthetics applied to the eye for the purpose of treatment of any condition thereof, nor for the purpose of performing any surgery thereon, except, however, the topical application of drugs or anesthetics to the eye for the sole purpose of detecting any diseased or pathological condition of the eye: PROVIDED, That a licensee shall use drugs or anesthetics in the practice of optometry only after the successful completion of a course or courses, approved by the optometry board, and provided by the University of Washington medical school.*"

POINT OF INQUIRY

Senator Talley: "Will Senator Day yield? Have you conferred with the University of Washington Medical School on this?"

Senator Day: "Yes, I have and I have talked to Dean Van Citters about this."

Senator Day moved adoption of the following amendment to the amendment by Senator Day:

Amend the Day amendment to page 2, line 21 as follows: Strike the entire proviso and insert: “: *PROVIDED, That a licensee shall use drugs or anesthetics in the practice of optometry only after the successful completion of a course or courses provided by the University of Washington Medical School and after receiving authorization from the Optometry Board*”.

Debate ensued.

POINT OF INQUIRY

Senator Bailey: “Will Senator Day yield? Senator Day, I am really concerned about this amendment to the amendment to the extent of what kind of a fiscal impact does this have on the School of Medicine. It would seem to me like if we are going to set up a special course that the optometrists ought to be able to pay for it out of their own license fees and that should be provided in there. On top of it, they should be certain it has no fiscal impact in adding another FTE in the Medical School at the University of Washington.”

Senator Day: “Senator, what was your question now?”

Senator Bailey: “I want to know what the fiscal impact is and you cannot tell me there is none because that is unbelievable.”

Senator Day: “I can tell you that there is none and it should be believable and I will tell you why. There have already been two courses run in this at Seattle University at which the head of the Indiana Ophthalmology School Department of their School of Medicine came out and, together with the Department of Pharmacology at the University of Washington, came over and, at the optometrists’ expense, ran this thing and that is the intent of this in answering this, so it will be in the journal, that the optometrists will agree to pay whatever fee is necessary to cover the expenses of such a course and that has always been the intent of it.”

Senator Sellar: “In a partial answer to Senator Bailey’s question, I too have had numerous conversations with the University of Washington Medical School and with the Director of Ophthalmology there. There is a course that is being taught and Senator Day is right. It is available to anyone, an optometrist or a layman, as far as that goes, and it is a course in drug reaction and this type of thing similar to a first aid type of operation and that is good. It is available, but the University assured me that there was no course that they would presently teach that they thought was adequate to fill the terms of this particular amendment. They said, and I agree with Senator McDermott, they naturally said that ‘If you dictate to us that we shall, we shall do it,’ but they affirmed that there was nothing presently available that they felt would be comprehensive enough to give them this authority.”

The motion by Senator Day carried and the amendment to the amendment by Senator Day was adopted.

Senator Woody moved adoption of the following amendment to the amendment by Senator Day:

Amend the Day amendment to page 2, line 21 as follows:

After “*Board*” on the last line of the Day amendment to the Day amendment, insert “, and the director shall issue a certificate of satisfactory completion of the course or courses which shall be affixed to the license of the licensee”.

POINT OF INQUIRY

Senator Rasmussen: “Will Senator Day yield to a question? Senator Day, on page 7, line 13, subsection (9), there is also a prohibition to use drugs in the examination of eyes. Are you going to strike that?”

Senator Day: “I have an amendment to that, Senator, yes.”

Senator Rasmussen: “Okay. My other question was, Senator Woody was wrong on the bill on malpractice. I think the Travelers Insurance Company announced that when their contracts ran out, it was just today, there was going to be an increase of four hundred percent, they indicated, so would this increase, Senator Day, the malpractice insurance costs?”

Senator Day: “I am glad you asked that question, because to date the optometrists

have not had a malpractice case in this state. I understand there is one pending now relative to some break-proof glasses, and they pay thirteen dollars a year premium for their malpractice coverage, so if it went up four hundred percent they would then pay fifty-two dollars a year for their malpractice coverage."

The motion by Senator Woody carried and the amendment to the amendment by Senator Day was adopted.

Senator McDermott moved adoption of the following amendment to the amendment by Senator Day:

At the end of the amendment by Senator Day on page 2, line 21, after "*licensee*" insert "*: PROVIDED FURTHER, That any optometrist who undertakes to examine a human eye shall have the duty to exercise the same standard of care which a licensed physician who specializes in the diagnosis and treatment of eye disease (ophthalmologist) would have to his patient in recognizing diseases and defects of the eyes*"

Debate ensued.

POINT OF INQUIRY

Senator Bottiger: "Would Senator McDermott yield to a question? Senator McDermott, as I read this amendment, we have proposed to impose on the optometrist not only the standard of care required of any M.D. but also a higher standard of care imposed upon an ophthalmologist. Now as I understand the present law, an M.D. can apply and make these examinations and in fact I can tell you an M.D. has, at least on me, not an ophthalmologist, because of any injury has used the anesthetic and used the test, and are we saying here that it is not just the M.D. standard but even a higher standard of an ophthalmologist?"

Senator McDermott: "Senator Bottiger, in answer to your question, we are because we did not raise the question. The optometrists said, 'We think that we are competent to do what is presently in the purview of the ophthalmologist,' and this merely says, 'All right, if you are up to that level then you should stand or fall by that level, not by any special level given to you.' That is the sum and total of it."

Senator Bottiger: "In responding to that question, I think Senator McDermott's amendment—first of all, I think that without the amendment there is a malpractice liability for anybody who undertakes to make a diagnosis, whether he is an M.D., an ophthalmologist, or an optometrist. Senator McDermott's amendment goes even further than that and says that the optometrist now has a higher standard of care than even the M.D. has and I think that that simply goes too far. If he wanted to delete that specialization ophthalmologist and impose the same standard as on a doctor to make the test correctly and diagnose correctly, then I would have no objection to it."

Further debate ensued.

POINT OF INQUIRY

Senator Newschwander: "I wonder if Senator McDermott will yield to a question? Senator McDermott, I happen to have a license in my profession that lets me prescribe certain drugs. I also have a narcotics license for controlled drugs. Is there anything in the optometric license that will allow them to prescribe—he is using the words 'drugs or anesthetics'—is there any way he can obtain controlled drugs or prescriptions or drugs for anesthesia to be used in the eye if this Day amendment is adopted?"

Senator McDermott: "In reviewing that question, Senator Newschwander, there is no legal way for an optometrist to write a prescription to obtain the drugs he would use in his office. He would either have to go to a physician and obtain such drugs or he would have to illegally obtain them, the way the law is presently written."

MOTIONS

Senator Knoblauch moved that further consideration of Engrossed Substitute House Bill No. 308, together with the pending amendments, be delayed until June 15, 1975.

Debate ensued.

Senator North moved that Engrossed Substitute House Bill No. 308 be re-referred to the Senate Committee on Social and Health Services.

There being no objection, the motion by Senator Knoblauch was withdrawn.

POINT OF INQUIRY

Senator Talley: "Will Senator Day yield? I understand we will be out of here by next Wednesday. Can you have the bill back by that time?"

Senator Day: "No, I would oppose the motion. I think it is pretty obvious that this is an attempt to kill the whole bill but mainly the amendment."

Debate ensued.

POINT OF INQUIRY

Senator Guess: "Would Senator Day yield? Senator Day, I have two questions. The first, in your last statement you said that let us vote on the amendment, let us kill it, and then adopt the bill."

Senator Day: "No, I said, let us vote on the amendment and see if we can get it on the bill. If we cannot, why then at least the remainder of the bill is here and we could go ahead with it then."

Senator Guess: "Do you mean, let us get Senator McDermott's amendment on the bill?"

Senator Day: "No, I would be opposed to that and then if that amendment goes on I will oppose the total amendment."

Senator Guess: "Okay, that is what I wanted to know. The next question I wanted to ask is, the statement was made on the floor that the optometrist does not have a license to buy the drugs. Would you answer that?"

Senator Day: "The question is that in their act on page 7, I believe it is here, which if you will note on the amendments I had another amendment where it said that they shall not use drugs, it says 'except as otherwise permitted in this act,' and if they are permitted to use drugs in the act they certainly would be permitted to purchase them."

Senator Guess: "They do not now, though, have a license to buy the drugs?"

Senator Day: "No, they do not. That is what the amendment is about, Senator."

Senator Guess: "Okay."

Further debate ensued.

Senator Day demanded a roll call and the demand was sustained by Senators Herr, Talley, Washington, Jones, Cunningham, von Reichbauer, Bailey, Odegaard and Fleming.

The Secretary declared the question before the Senate to be the motion by Senator North that Engrossed Substitute House Bill No. 308 be re-referred to the Senate Committee on Social and Health Services.

ROLL CALL

The Secretary called the roll and the motion by Senator North carried by the following vote: Yeas, 26; nays, 21; absent or not voting, 1; excused, 1.

Voting yea: Senators Bailey, Beck, Bluechel, Buffington, Clarke, Cunningham, Francis, Goltz, Gould, Guess, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), McDermott, Morrison, Newschwander, North, Pullen, Scott, Sellar, Walgren, Wana-maker, Washington, Wilson, Woody—26.

Voting nay: Senators Benitz, Bottiger, Day, Donohue, Fleming, Grant, Herr, Jolly, Keefe, Mardesich, Marsh, Murray, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Stortini, Talley, Van Hollebeke, von Reichauer—21.

Absent or not voting: Senator Henry—1.

Excused: Senator Matson—1.

Engrossed Substitute House Bill No. 308, together with the pending amendments, was re-referred to the Senate Committee on Social and Health Services.

MOTION

Senator Mardesich moved that the Committee on Social and Health Services be

instructed to return Engrossed Substitute House Bill No. 308 to the Committee on Rules on Wednesday, May 14, 1975.

PARLIAMENTARY INQUIRY

Senator Francis: "Mr. President, under such a motion, what is the status of the members of the committee? For example, if there was a motion to indefinitely postpone the bill in committee, could that motion not be put or acted upon and so forth? In other words, what rights would the committee members themselves have in that regard if this motion by Senator Mardesich passes?"

REPLY BY THE PRESIDENT

The President: "The committee may take such action, Senator Francis, but only as a recommendation to the entire body."

Senator Francis: "In other words, Mr. President, the committee loses the bill by Wednesday next regardless of whether they have taken any action to improve the language or anything else. Is that the way it would work?"

REPLY BY THE PRESIDENT

The President: "The President believes that if Senator Mardesich's motion carries that the bill must be reported back with certain recommendations by Wednesday of next week."

Senator Mardesich: "Of course, the motion is made keeping in mind the assertions which were made from various members of the Senate that the matter needed more study and more information was necessary. If the bill were to return to the floor in the situation that it is at this moment with the amendment attached, I would assume that the measure would then fail, but what this motion is designed to do is to allow the committee time to check further into the matter without killing the basic measure which I gather there is general agreement to."

Senator Bailey: "Mr. President, speaking to what you just announced as how the bill could come back, I would have to say this, that if the chairman decided then not to hold a hearing and the bill automatically came back to the Senate on Wednesday or whenever it was set, then we would have a position of the committee members not having any input into the bill and there would be not one bit of worth to the motion that we just passed twenty-six to twenty-one. I think the point here is that the committee chairman should be instructed to hold a hearing and that the members should be instructed to make recommendations to the Senate and report back by Wednesday. I think if Senator Mardesich would agree to that sort of a motion, then I would agree to his motion, but they should be instructed to hold a hearing. They should be instructed to make recommendations. If they cannot vote for it they can vote against it, but the Senate should have it back before us. Otherwise it is just sort of a game and nothing."

The President: "Senator Mardesich has agreed to your comments, Senator Bailey."

POINT OF INFORMATION

Senator Beck: "At what status is the bill? Is the bill going back to the committee with all these amendments we have put on it?"

REPLY BY THE PRESIDENT

The President: "The bill has been referred to the Committee on Social and Health Services, Senator."

Senator Beck: "As it is now, with all the amendments? Thank you, sir."

PARLIAMENTARY INQUIRY

Senator McDermott: "I did not understand your statement to Senator Beck. Does the bill return to committee with or without amendments adopted here on the floor?"

REPLY BY THE PRESIDENT

The President: "The bill will come back to the Senate in the form to which it was

referred to the committee, with recommendations. In other words, the amendments already adopted are adopted."

Senator Mardesich: "I think the question relates to the amendment that is pending. As I understand it, we have made a number of amendments, at least one amendment to Senator Day's amendment, and there is an alternative amendment or an additional amendment offered by Senator Woody. There was a further additional amendment offered by Senator McDermott. The basic amendment has not been adopted so the bill goes to the committee only with those amendments which were adopted on the floor and the alter amendments or any amendments which would be suggested by any committee member are in order in the committee."

REPLY BY THE PRESIDENT

The President: "Your remarks are correct, Senator Mardesich,"

PARLIAMENTARY INQUIRY

Senator Talley: "Would the committee be allowed to bring back a substitute bill with this incorporated into it?"

REPLY BY THE PRESIDENT

The President: "They can recommend that, Senator Talley."

There being no objection, the motion by Senator Mardesich was withdrawn.

MOTIONS

On motion of Senator Mardesich, the Senate Committee on Social and Health Services was relieved of further consideration of Engrossed Substitute House Bill No. 308.

Senator Day moved that all amendments by Senator Day and the amendments to the amendment by Senator Day be withdrawn.

PARLIAMENTARY INQUIRY

Senator Bailey: "I want to be sure that amendment is not going to show up in that bill. I am questioning the technical aspect, not your veracity—the Senate adopted the amendment. We had voted to reconsider the amendment. Until we vote on that amendment I would judge the amendment is still on the bill. How do we get it off of the bill without a vote?"

REPLY BY THE PRESIDENT

The President: "Senator Bailey, the question is the adoption of the amendment. The Senate voted to reconsider the vote by which the amendment was adopted."

Senator Bailey: "Therefore, the amendment will not be on the bill if this motion prevails?"

The President: "Not if Senator Day is permitted to withdraw the amendment."

The motion by Senator Day carried and the amendment by Senator Day and the amendments to the amendment were withdrawn.

There being no objection, the amendment by Senator Day to page 2, line 13 on the Secretary's desk was withdrawn.

Senator Rasmussen moved adoption of the following amendment:

On page 8, beginning on line 6, strike all of subsections (14) and (15) and insert:

"[(14) To use advertising, whether printed, radio, display or of any other nature which refers inaccurately in any material particular to any competitors or their goods, prices, values, credit terms, policies or services; or

(15) To use advertising whether printed, radio, display, or of any other nature, which states any definite amount of money as "down payment" and any definite amount of money as a subsequent payment, be it daily, weekly, monthly, or at the end of any period of time]" and on line 14 strike "(16)" and insert "(14)".

Debate ensued.

The motion by Senator Rasmussen failed and the amendment was not adopted.

On motion of Senator Day, the rules were suspended, Engrossed Substitute House

Bill No. 308, 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.

Senators Talley, Walgren and Cunningham 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 House Bill No. 308, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 308, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—47.

Voting nay: Senator Rasmussen—1.

Excused: Senator Matson—1.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 308, 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 Mardesich, the Senate commenced consideration of Senate Bill No. 2737.

SECOND READING

SENATE BILL NO. 2737, by Senator Walgren:

Authorizing an alternative method for the ownership, operation, and financing of public systems of sewerage and water.

MOTIONS

On motion of Senator Fleming, Substitute Senate Bill No. 2737 was substituted for Senate Bill No. 2737 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Rasmussen, the following amendment was adopted:

On page 2, line 25, after "*resolution at*" strike "[eight] *not to exceed twelve*" and insert "eight".

On motion of Senator North, the following amendment was adopted:

On page 6, line 4, after the period insert: "No transfer of property as provided in this amendatory act shall derogate from the claims or rights of the creditors of the municipal corporation or impair the ability of the municipal corporation to respond to its debts and obligations."

On motion of Senator Fleming, the rules were suspended, Engrossed Substitute Senate Bill No. 2737 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Would Senator Fleming yield to a question? Senator Fleming, I am concerned with the section on page 4, line 25, 'officials now or hereafter charged by law with the duty of levying taxes for the payment of said bonds and interest shall in a manner provided by law make an annual levy sufficient together with other moneys lawfully available and pledged therefor to meet the payment of principal and interest on said bonds.' Now my question, Senator Fleming, is, these bonds, let us say

entirely out in the county, will not be issued as general or as revenue bonds on the particular utility? They will be issued as general obligation bonds for the construction of the utility?"

Senator Fleming: "From the understanding that I have, they will be able to and they do have now the authority to issue general obligation bonds. What this measure here does is allow those counties or those utility districts to be able to also use other revenues, pledge the revenues from revenue bonds or revenue sharing moneys or whatever it is, pledge the obligation of those towards the paying off their indebtedness or their responsibility. They do not have that authority now."

Senator Rasmussen: "I understand what you say, Senator Fleming, but let us take a for instance. For instance, the county commissioners would want to issue one hundred million of general obligation bonds to construct a sewer disposal facility in the Lakewood area. They would not issue those just within the boundaries of the proposed development so that those people would pay for it. They would be issued as general obligation bonds and they would extend over the entire county as they do for the construction of the court house or something like that."

Senator Fleming: "From my understanding, Senator Rasmussen, they would do the same thing by this bill that they do now presently with general obligation bonds. There is something to do with whether you have services and whether you are connected up to the sewer line or whatever it is as to when you start being charged for certain kind of charges, but my understanding, this does not do anything different as far as general obligation bonds than presently is done now. That is my understanding."

Senator Rasmussen: "This is true."

Senator Fleming: "So if that is being done now, yes, it would be done . . ."

Senator Rasmussen: "The answer is that under this bill, yes, they would issue a hundred million of general obligation bonds to pay for the services for a certain segment in the county?"

Senator Fleming: "The way it is done now, that is exactly the way it would continue to be done, from my understanding."

Senator Rasmussen: "It is not being done now. This bill would authorize it."

Senator Fleming: "Repeat the question again then."

Senator Rasmussen: "That was my question and you said yes."

Senator Fleming: ". . . Hundred million dollar bonds, general obligation bonds, and the improvement is in a certain utility district or area of the county."

Senator Rasmussen: "Yes, so all of the other people would be required to pay for that utility."

Senator Fleming: "Senator, I have been advised by my legal counsel here that the area where the bonds would be let, that area would be covered by the bonds and the service fee to the people that are connected up to the improvement. That is my understanding. You were there when he explained it to you yesterday."

Senator Rasmussen: "Senator Fleming, that line says, 'together with other moneys lawfully available and pledged therefor.' The general obligation bonds would be issued against all of the people in the county for just one particular segment. They would all be paying for it."

Senator Beck: "Senator Fleming, I would like to interject here for Senator Rasmussen. Senator Rasmussen, when these junior taxing districts build some kind of a facility and they sell revenue bonds, they have to pay a lot higher interest rate than they would have it if were general obligation bonds. What this does is to permit them to pledge general obligation bonds in case the revenue bonds do not make up enough revenue, and you can get cheaper interest rates. It is applied only to that district where the facility is located. That is the purpose of the language you are reading there."

Senator Rasmussen: "If I could correct Senator Beck, when you issue general obligation bonds they are issued to cover the entire county and all the people in the county pay for it and the development would go to a certain segment of the county."

Senator Beck: "I am not a legal mind here on this but it is my understanding that it only applies in the district where the facility is located."

Senator Talley: "Senator Rasmussen, the county may issue general obligation

bonds, that is true, and the whole county is responsible for it, but they can also put the charges in the area to retire these general obligation bonds with. They have to affect the county's credit, that is very true."

Senator Fleming: "Mr. President, looking at my notes and listening to the conversation, it has come back to me now. He explained it to you yesterday but you forgot. The general obligation bonds are issued to the area or to the particular area that is being constructed or being improved, and when the entire area becomes involved, as Senator Beck has said, is that you pledge the general obligation, it is what is called an inside general obligation bond, you pledge the obligation of the entire area and the revenue of the entire area toward the payment of this new improvement but it is only assessed on those areas that in case the revenue bond does not raise sufficient amount of revenue, then you pledge the general obligation of the entire area plus the services towards the payment of that, for protection."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2737, and the bill passed the Senate by the following vote: Yeas, 47; nays, 1; excused, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—47.

Voting nay: Senator Rasmussen—1.

Excused: Senator Matson—1.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2737, having received the 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 12:05 p.m., on motion of Senator Mardesich, 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 Knoblauch, Senator Stortini was excused.

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

REPORTS OF STANDING COMMITTEES

May 7, 1975.

ENGROSSED HOUSE BILL NO. 49, making changes in the law relating to civil commitment and suicide (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; von Reichbauer, Vice Chairman; Buffington, Cunningham, Francis, Gould, Ridder.

Passed to Committee on Rules for second reading.

May 8, 1975.

SUBSTITUTE HOUSE BILL NO. 239, protecting employee's insurance benefits (reported by Committee on Financial Institutions):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Woody, Chairman; Clarke, Jones, Walgren.
Passed to Committee on Rules for second reading.

May 8, 1975.

HOUSE BILL NO. 491, prescribing a change in retained percentage procedures on public works contracts (reported by Committee on Commerce):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Van Hollebeke, Chairman; Peterson, Ridder.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENT

May 9, 1975.

JEAN DAVIS, to the position of commissioner of the Public Disclosure Commission appointed by the Governor on January 13, 1975 for the term ending December 31, 1979, succeeding herself (reported by Committee on Constitution and Elections):

Recommends that said appointment be confirmed.

Signed by: Senator Beck, Chairman; Grant, Lewis (R. H. "Bob"), Pullen, Stortini, Washington.

Referred to Committee on Rules.

MOTION

On motion of Senator Fleming, the special order of business for 2:00 p.m., today, Senate Bill No. 2862 together with the pending amendment by Senators Sellar and Fleming and the amendment to the amendment by Senator Clarke, was ordered to hold its place on the second reading calendar for Monday, May 12, 1975.

MOTION

On motion of Senator Mardesich, the Senate resumed consideration of Engrossed Substitute House Bill No. 527.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 527, by Committee on Transportation and Utilities (originally sponsored by Representatives Smith, Fortson, Becker, Sommers, Gaspard, Hawkins, North, Wilson, Berentson, Chandler, Charnley, Dunlap, Hansey, Leckenby and Sherman):

Requiring pilots and other precautions for tankers entering Puget Sound.

The Senate resumed consideration of Engrossed Substitute House Bill No. 527. On Wednesday, May 7, 1975 an amendment by Senator Cunningham, as amended, was adopted. On that day, Senator Mardesich moved for reconsideration of adoption of the amendment and the motion for reconsideration was held.

The motion by Senator Mardesich carried and the Senate moved to reconsider adoption of the amendment by Senator Cunningham, as amended.

There being no objection, on motion of Senator Cunningham, the amendment, as amended, was withdrawn.

Senator Cunningham moved adoption of the following amendment by Senators Cunningham, Wilson and Goltz:

On page 2, beginning on line 11, strike all of the material down to and including line 29 and insert:

"(1) Any oil tanker, whether enrolled or registered, of greater than one hundred and twenty-five thousand deadweight tons shall be prohibited from proceeding beyond a point east of a line extending from Discovery Island light south to New Dungeness light.

(2) An oil tanker, whether enrolled or registered, of forty to one hundred and twenty-five thousand deadweight tons may proceed beyond the points enumerated in subsection (1) if such tanker possesses all of the following standard safety features:

- (a) Shaft horsepower in the ratio of one horsepower to each two and one-half dead-weight tons; and
- (b) Twin screws; and
- (c) Double bottoms, underneath all oil and liquid cargo compartments; and
- (d) Two radars in working order and operating, one of which must be collision avoidance radar; and
- (e) Such other navigational position location systems as may be prescribed from time to time by the board of pilotage commissioners:

PROVIDED, That if such forty to one hundred and twenty-five thousand dead-weight ton tanker is in ballast or is under escort of a tug or tugs with an aggregate shaft horsepower equivalent to five percent of the deadweight tons of that tanker, subsection (2) of this section shall not apply: PROVIDED FURTHER, That additional tug shaft horsepower equivalencies may be required under certain conditions as established by rule and regulation of the Washington utilities and transportation commission pursuant to chapter 34.04 RCW: PROVIDED FURTHER, That a tanker of less than forty thousand deadweight tons is not subject to the provisions of this act."

POINT-OF INQUIRY

Senator Lewis (Harry): "I wonder if Senator Walgren or an attorney might yield to a question? Senator Walgren, I wonder if you would care to comment, and I recognize that the courts make these decisions, but is there in your judgment as an attorney a question of constitutionality or conflict with federal statutes or laws of the sea or otherwise as it relates to the Cunningham amendment?"

Senator Walgren: "Yes, Senator Lewis, in my opinion there is indeed that question. Elaborating a little bit on that, I do not profess in any way to be any kind of an expert on the law of the sea. However, I must say that during the several months, and this goes back at least two sessions while we were considering safety measures as far as transport of oil on Puget Sound, the question kept arising as to whether or not the state of Washington has any ability constitutionally or legally to impose various restrictions, and I might say that that could go as far as the basis of this bill itself, that is as far as the tug escort.

"There is a Florida case that the state of Florida was ruled by the state Supreme Court to have certain abilities as far as imposing restrictions as it related to environmental questions. Of course, that is what we are really concerned about here is environmental questions. I am very much afraid that as we go beyond the question of environmental control, and I think that is what this bill directs itself to, that is the tug escort, and we move on to the restriction of the size of the traffic and the transportation on the water, that we will be very likely imposing ourself upon the interstate and foreign commerce which is, of course, controlled by federal government by virtue of our Constitution.

"It is for this reason that I am going to have to oppose the Cunningham amendment and I do so very reluctantly because I am very much concerned, as I am sure most of us in the Senate are, as to protecting and preserving the waters of Puget Sound and insuring that there is no oil spill. Obviously, the best way to oppose and be sure that there would be no oil spill would be to completely keep tankers out of Puget Sound entirely. To do that, I am afraid, would involve the Constitution and would involve a conflict. We would not have the authority to do so.

"I want to see this tug escort bill pass. I think it is essential that we do all we can constitutionally and legally to insure as much as we can that there be no oil spill on Puget Sound. I am very much afraid that if we are to put this additional restriction in the bill, we will be subject to an immediate court test that might take not only that part of the bill but the tug escort with it. That, I think, would be a disastrous thing for the people not only who reside on those beaches bordering the waters but for the entire State of Washington."

POINT OF INQUIRY

Senator Wilson: "Would Senator Walgren yield please? Senator, would you also agree however that since this is an area of unknown constitutional applicability that the

only way we will ever find out whether the state does have some jurisdiction over the size of vessels entering its waters is to enact a law providing for such a limitation and to have it tested in the court; and secondly, would you not also concur that this measure does have severability clause so that even if that aspect were held unconstitutional, the tug boat and other provisions of the act might still prevail?"

Senator Walgren: "Senator Wilson, I am sorely afraid that if there is a legal test, of course nobody can predict whether there will or will not be, regardless of this amendment, that it will be an attack on the entire bill including the tug escort. As many of us are aware with regard to lawsuits, they are not generally over in six months, particularly those that concern such things as foreign commerce and interstate commerce and things of this nature that really are not decided until they go to the United States Supreme Court. I think then if this test were made that we would find ourselves in litigation for several years. During that period of time we would not perhaps have the advantage of some of the protections that hopefully will be included in this particular measure. I would be hopeful that if we pass the bill with the tug escort that the amendments that we have put on the bill already, which I think go in a long way toward perfecting the measure, will be adopted by the House, that we can put that into effect, that we can have those assurances as best we can as far as oil pollution protection, that they will be in effect for a period of time, and we can, along with the study that we have planned here, have a little bit of experience as to the tug escort before there is a serious attack as to constitutionality."

Senator Guess moved adoption of the following amendments to the amendment by Senators Cunningham, Wilson and Goltz:

Amend the Cunningham amendment to page 2, beginning on line 11, as follows:

On line 2 of subsection (1) strike "one hundred and twenty-five thousand" and insert "one hundred and eighty thousand".

On line 1 of the first proviso strike "one hundred and twenty-five thousand" and insert "one hundred and eighty thousand".

Debate ensued.

The motion by Senator Guess failed and the amendments to the amendment were not adopted on a rising vote.

Further debate ensued.

POINT OF INQUIRY

Senator Mardesich: "Mr. President, I was in error earlier. I did not realize we were voting upon the Guess amendment and thought we were working upon the Cunningham amendment at the time, but I should like Senator Cunningham to respond. Senator Cunningham, if you would, that is. I certainly am no expert on the question of the ability of these various vessels of differing sizes to navigate properly, nor am I really expert enough to know whether a shaft horsepower in the ratio of one to two and one-half dead weight tons is a proper ratio. I think I can say with what little knowledge I have on the subject that there are very few vessels with that ratio of horsepower to dead-weight tonnage exclusive of naval vessels.

"I wonder, in view of the changing situation, in view of the fact that new vessels may be constructed with not only these but additional safety features, in view of the fact that other electronic developments may be even safer and we may be excluding them with such a law as this rather than requiring the inclusion of such electronic equipment, you might be willing, in the event your amendment is adopted or not, to concede that it might be wise to put on this measure an additional section such as I am intending to suggest which would set a cut off date of June 30, 1978 on this measure so that the legislature can return and review to see have we gone too far, have we not gone far enough, are there other things we should do? I am well aware that after a measure is on the books it is often difficult to correct, and if we are not doing enough here now it may be even more difficult in the future to do what we should unless we have the ability to review, and I think that is exemplified by many of the tax exemptions which are put on the books. Once they are there it is extremely difficult to remove them."

Senator Cunningham: "To respond to the question, if I can remember all of it, I

think basically it was to accept a destruct clause, I would simply say that it is not my belief that there is anything in either the bill or the amendment that mandates we plant either our feet or our head in cement."

Senator Mardesich: "I only would like to point out to Senator Cunningham that his very comment is putting your head in the concrete."

Further debate ensued.

POINT OF INQUIRY

Senator Bottiger: "I do not know whether I should ask Senator Cunningham or Senator Murray to yield, but perhaps asking either of them, as my recall, the report of the Oceanographic Commission, one element of safety that they recommended that has not been included here was bow thrusters. As I also recall, the bow thruster could be an alternate to either twin screws or the higher horsepower. As I understand it, and I think Senator Beck was the one that mentioned in committee that most military ships use bow thrusters for maneuverability for tight turn characteristics.

"My concern is this, that if we set a standard by which it would be financially advantageous to modify the ships to make them more safe and therefore not need tugs and we eliminate a suggestion or a possibility of an alternate from twin screws or higher horsepower or bow thrusters, are we taking the right course of action to end up with a safer ship? My recollection of the testimony was that the bow thruster was that kind of a safety device. I know Senator Murray was on the Oceanographic Commission. Perhaps you could respond."

Senator Murray: "Mr. President and members of the Senate, I will take a crack at it. Bow thrusters would be one alternative that would certainly add to the control capability of any ship. However, the bill as it is currently written lists all five different components and to the best of my knowledge there is no existing oil tanker that meets those qualifications, and in my opinion at least, it would not be economically feasible to change the basic philosophy of oil tankers and to meet this construction merely to operate in Puget Sound. My hope is that the net effect of this will be to require that oil tankers operating in the confines of the fairly limited area that we have in this bill in Puget Sound will have tug escorts; and it really is not the intent of the bill, I do not believe, to redo the thinking of marine architects and marine engineers in redesign of all oil tankers.

"The bow thrusters would certainly be a major component in making an oil tanker much more maneuverable but as long as we are really talking about limitations that are applied only on Puget Sound, I doubt very much that anyone would make the modifications necessary to comply with any of these regulations and/or bow thrusters."

Senator Guess: "I would like to reply to Senator Bottiger as far as the bow thruster is concerned. The bow thruster is primarily used for those ships that are going into dock and it cuts down on the amount of tug service that a ship uses. It permits the ship to go in and tie up at docks where there are not tugs available. Therefore I really do not think that the thing would serve any proper purpose.

"One of the things that I discussed with Senator Murray about the bill was the twin screws. Now all the literature that I can get and find is that there are no oil tankers of the large carrier type that are being constructed with twin screws and as I said a while ago, they have gone to double propulsion, they have gone to the redundancy there, they have gone to the redundancy in the steering mechanism, but as far as putting on the twin screw, the economics of it has not been proven and therefore they have not gone in this direction, so regardless of what is in the bill, as long as you have sub (b) there, twin screws, no tanker is coming into Puget Sound without having the tug; and as Senator Murray said, just cold bloodedly, that is exactly what we intended to do, so you have a bill here that is a pistol at the head of industry."

Further debate ensued.

MOTION

On motion of Senator Jones, Senator Lewis (R. H. "Bob") was excused.

Senator Goltz demanded a roll call and the demand was sustained by Senators

Washington, Rasmussen, North, Murray, Bluechel, Jones, Fleming, Lewis (Harry) and Jolly.

The President declared the question before the Senate to be the roll call on the amendment by Senator Cunningham.

ROLL CALL

The Secretary called the roll and the amendment by Senator Cunningham was adopted by the following vote: Yeas, 28; nays, 18; absent or not voting, 1; excused, 2.

Voting yea: Senators Beck, Bluechel, Bottiger, Cunningham, Day, Fleming, Francis, Goltz, Gould, Grant, Herr, Jolly, Knoblauch, Mardesich, Marsh, McDermott, Murray, North, Odegaard, Peterson, Ridder, Sandison, Scott, Van Hollebeke, von Reichbauer, Washington, Wilson, Woody—28.

Voting nay: Senators Bailey, Benitz, Buffington, Clarke, Donohue, Guess, Henry, Jones, Keefe, Lewis (Harry), Matson, Morrison, Newschwander, Pullen, Rasmussen, Sellar, Walgren, Wanamaker—18.

Absent or not voting: Senator Talley—1.

Excused: Senators Lewis (R. H. "Bob"), Stortini—2.

Senator Mardesich moved adoption of the following amendment:

On page 3, following line 9, add a new section to read as follows:

"*NEW SECTION. Sec. 7.* The provisions of this 1975 act shall expire on June 30, 1978."

Debate ensued.

Senator Peterson moved adoption of the following amendment to the amendment by Senator Mardesich:

Amend the last line of the Mardesich amendment to page 3, following line 9, as follows: Strike "1978" and insert "1977".

The motion by Senator Peterson failed and the amendment to the amendment was not adopted.

Senator Knoblauch demanded a roll call and the demand was sustained by Senators Marsh, Day, Peterson, Talley, Guess, Clarke, Beck, Jolly and Grant.

The President declared the question before the Senate to be the roll call on the amendment by Senator Mardesich.

ROLL CALL

The Secretary called the roll and the amendment by Senator Mardesich was adopted by the following vote: Yeas, 29; nays, 17; absent or not voting, 1; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Guess, Herr, Jolly, Jones, Keefe, Lewis (Harry), Mardesich, Marsh, Matson, Morrison, Murray, Newschwander, Peterson, Pullen, Rasmussen, Sandison, Sellar, Talley, Van Hollebeke, Wanamaker—29.

Voting nay: Senators Bluechel, Fleming, Francis, Goltz, Gould, Grant, Knoblauch, McDermott, North, Odegaard, Ridder, Scott, von Reichbauer, Walgren, Washington, Wilson, Woody—17.

Absent or not voting: Senator Henry—1.

Excused: Senators Lewis (R. H. "Bob"), Stortini—2.

On motion of Senator Walgren, the rules were suspended, Engrossed Substitute House Bill No. 527, as amended by the Senate, was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

There being no objection, Senator Matson was excused.

Debate ensued.

Senators Scott, Talley and Francis 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 House Bill No. 527, as amended by the Senate.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House

Bill No. 527, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; nays, 3; excused, 3.

Voting yea: Senators Bailey, Beck, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Mardesich, Marsh, McDermott, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—43.

Voting nay: Senators Benitz, Guess, Morrison—3.

Excused: Senators Lewis (R. H. "Bob"), Matson, Stortini—3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 527, 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 Mardesich, the Senate commenced consideration of House Bill No. 307.

SECOND READING

HOUSE BILL NO. 307, by Representatives Douthwaite, Peterson, Blair and Patterson:

Repealing prohibition against sale of liquor on the University of Washington campus.

The bill was read the second time by sections.

Senator Pullen moved adoption of the following amendment by Senators Pullen, Buffington, von Reichbauer, Goltz, Gould, Wanamaker, Sellar, North, Guess, Ridder, Jones and Morrison:

After section 2, add the following new section:

"*NEW SECTION.* Sec. 3. There is added to chapter 62, Laws of 1933 and to chapter 66.44 RCW a new section to read as follows:

Each person or group of persons who offers for sale intoxicating liquor on the grounds of the University of Washington shall place or cause to be placed within the view of the purchaser a sign whose dimensions are at least 14 inches by 22 inches and which bears the following inscription in letters at least one inch high: CAUTION. Alcohol is a drug. The excessive consumption of alcoholic beverages may be hazardous to your health and to the health of others."

PARLIAMENTARY INQUIRY

Senator Scott: "I believe that although Senator Pullen's amendment appears first on the sheet, it adds a new section 3 and my amendment deals with section 1 and should precede it."

Debate ensued.

POINT OF INQUIRY

Senator Henry: "Would Senator Scott yield to a question? Without having time to analyze your amendment, is the purpose of this amendment to ban the liquor on all the campuses in the state?"

Senator Scott: "That is right, Senator."

POINT OF ORDER

Senator Henry: "Mr. President, I raise the question of scope and object."

POINT OF ORDER

Senator Mardesich: "I understand Senator Henry to be raising the question of scope and object with respect to the Scott amendment."

REPLY BY THE PRESIDENT

The President: "Yes, sir."

Senator Mardesich: "The Scott amendment is not before us at this time. The Pullen amendment is, and the question was raised as to the order in which those amendments should be considered and the question of scope and object is out of order at this time."

RULING BY THE PRESIDENT

The President: "Senator Mardesich's point is well taken. The President believes that Senator Francis expressed himself to the effect that the amendment by Senator Pullen is an amendment intended to perfect the bill. The question before the Senate is the adoption of the amendment proposed by Senator Pullen."

Debate ensued.

POINT OF INQUIRY

Senator Francis: "Would Senator Knoblauch yield?"

Senator Knoblauch: "When I left the army I forgot all those things until today, Senator."

Senator Francis: "Senator Knoblauch, I am just wondering, you know, how we should deal with this, and I respect what you say about gambling. I remember one case I was appointed to, to represent a man who was charged with murder and their argument was over five dollars in a gambling game and a man died over it, so I know what you are saying, but I am wondering if you are also saying that in order to be consistent that Senator Pullen ought to advocate similar labeling for all of the women in the Senate."

Senator Knoblauch: "Being single, I am not just sure how to answer that question, Senator."

Further debate ensued.

The motion by Senator Pullen failed and the amendment was not adopted on a rising vote.

Senator Scott moved adoption of the following amendment:

On page 1, line 7, strike "*NEW SECTION*," and on line 10 after "each" strike the remainder of the bill and insert "amended to read as follows:

It shall be unlawful to sell any intoxicating liquors, with or without a license on the grounds of [the University of Washington, otherwise known and described as follows: Fractional section 16, township 25 north, range 4 east of Willamette Meridian] *any college, university or community college supported in whole or in part by state funds.*"

POINT OF ORDER

Senator Henry: "Mr. President, without arguing the merits of whether there should be drinking or non-drinking, there are on all campuses, or course, except the University of Washington, where they can have banquet permits, do this and that and the other, but strictly on a parliamentary basis, I again raise the question of scope and object and it is so obvious that it is beyond the scope and object because it takes two title amendments to bring it within the scope and object, and therefore I think that it is beyond the scope and object of the intent of the bill."

Debate ensued.

RULING BY THE PRESIDENT

The President: "In ruling on the point as presented by Senator Henry, the President wishes to indicate that House Bill 307 is a measure which will permit the sale of intoxicating beverages on the University of Washington campus. The amendment presented by Senator Scott would prohibit the sale of intoxicating liquors on any college, university, or community college supported in whole or in part by state funds. The amendment therefore does increase the scope and object of the bill and the point is well taken."

The amendment by Senator Scott was ruled out of order.

There being no objection, the title amendments by Senator Scott, on the Secretary's desk, were withdrawn.

MOTIONS

On motion of Senator Knoblauch, Senators Grant and Keefe were excused.

On motion of Senator Van Hollebeke, the rules were suspended, House Bill No. 307 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 Bottiger: "Would Senator Sandison yield to a question? Senator Sandison, I understand that until this bill is passed, it has been the attitude of the Liquor Control Board that if they cannot grant licenses on all the campuses they do not intend to grant them on any. Is that your understanding?"

Senator Sandison: "That is my understanding. That was not by Liquor Board regulation, it was just an agreement among the commissioners."

Senator Bottiger: "Thank you, Senator Sandison."

Further debate ensued.

POINT OF INQUIRY

Senator Mardesich: "I wonder if Senator Ridder would tell us how she feels about this measure so I might get . . ."

Senator Ridder: "I am sorry. I was studying the RCW, Senator Mardesich, and I did not hear the original context, I am sorry but I do not come to the Senate specifically as a mother. I come as a citizen and a representative of my district when I can. Since they have not specifically asked me or told me how they would like to have me vote, I must say that as a taxpayer I find I am going to share Senator Scott's sentiments that if I have minor youngsters attending the University I would not want to have their funds building a facility they could not use. As a mother also."

Further debate ensued.

POINT OF INFORMATION

Senator Ridder: "I would ask for some information, perhaps from our legal beagles on the floor, Mr. President. According to the RCW it says, 'It shall be unlawful to sell any intoxicating liquors with or without a license on the grounds of the University of Washington.' Now in committee we had this same question brought up and it was not answered to my satisfaction. Senator McDermott refers to the prohibition against any reception for a visiting dignitary. 'Sell' and 'serve' to my mind are not synonymous. Could anyone answer? Liquor Board regulations, so that it would be within the Liquor Board's province to make that change if they wished to do so."

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 307, and the bill failed to pass the Senate by the following vote: Yeas, 6; nays, 36; absent or not voting, 2; excused, 5.

Voting yea: Senators Bailey, Bluechel, Henry, Herr, Peterson, von Reichbauer—6.

Voting nay: Senators Beck, Bottiger, Buffington, Clarke, Cunningham, Day, Fleming, Francis, Goltz, Gould, Guess, Jolly, Jones, Knoblauch, Lewis (Harry), Mardesich, Marsh, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, Walgren, Wanamaker, Washington, Wilson, Woody—36.

Absent or not voting: Senators Benitz, Donohue—2.

Excused: Senators Grant, Keefe, Lewis (R. H. "Bob"), Matson, Stortini—5.

HOUSE BILL NO. 307, having failed to receive the constitutional majority, was declared lost.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Francis moved that the Senate immediately reconsider the vote by which House Bill No. 307 failed to pass the Senate.

Senator Scott demanded a roll call and the demand was sustained by Senators Washington, Clarke, Guess, Lewis (Harry), Jones, North, Gould, Mardesich and Goltz.

SIGNED BY THE PRESIDENT

The President signed:
SENATE BILL NO. 2024,
SENATE BILL NO. 2218,
SENATE BILL NO. 2297.

MOTION

At 4:07 p.m., on motion of Senator Mardesich, the Senate adjourned until 11:00 a.m., Monday, May 12, 1975.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

SIXTIETH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, May 12, 1975.

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 Cynthia Gonzales and Brian Wrzesinski, presented the Colors. Reverend Glen D. Cole, pastor of Evergreen Christian Center of Olympia, offered the following prayer:

"OUR HEAVENLY FATHER, WE THANK YOU ON THIS DAY THAT YOU ARE WITH US. WE ARE GRATEFUL FOR YOUR WATCHFUL CARE OVER US. TRULY, 'EVERY GOOD AND EVERY PERFECT GIFT COMES FROM ABOVE'. WE PAUSE TO JUST SAY 'THANK YOU' IN THE MIDST OF A BUSY SCHEDULE AND PRESSING DUTIES. WE PRAY THAT YOU WILL HELP US TO ACT WITH WISDOM AND UNDERSTANDING IN ALL OUR AFFAIRS THIS DAY. WE PRAY NOT ONLY FOR OURSELVES, BUT FOR THIS WHOLE WORLD, FOR MEN AND WOMEN EVERYWHERE. WE PRAY FOR OUR COUNTRY AND OUR PRESIDENT AND ALL THOSE WHO CARRY THE BURDEN OF ADMINISTRATION IN THIS GREAT LAND. GUIDE US ALL. GIVE US TRUE PEACE, WHICH ONLY COMES FROM YOU. WE REACH OUT WITH A SIMPLE FAITH THAT SAYS YOU REALLY CARE ABOUT US, ABOUT OUR COUNTRY, AND ABOUT OUR WORLD. YOU SENT YOUR SON TO DIE FOR THE SINS OF US ALL, SO WE SEEK YOUR BLESSING, YOUR GUIDANCE, AND YOUR OUTPOURED LOVE TODAY. BLESS AND GUIDE THIS SENATE IN A SPECIAL WAY. GIVE INSIGHT BEYOND THEIR OWN ABILITY, THROUGH JESUS CHRIST OUR LORD. AMEN."

MOTION

On motion of Senator Mardesich, 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 members of the Board, Student Body officers, and the President of Centralia College and Olympia Vocational-Technical Institute and appointed Senators Odegaard, Harry Lewis, Matson and Newschwander to escort the honored guests to the Senate rostrum.

On motion of Senator Odegaard, the following resolution was unanimously adopted:

SENATE RESOLUTION 1975-45

By Senators Odegaard, Lewis (Harry) and Sandison:

WHEREAS, Prior to 1925 in Southwest Washington there was no college available for educating the area's students; and expenses of boarding and rooming away from home put college education for many beyond practical thought; and

WHEREAS, In Centralia, the local educators and townspeople weren't content with this situation; if their young people couldn't afford to go away to college they were determined to bring a college to Southwest Washington; and thus, in the fall of 1925, on the third floor of the Centralia High School Building, was opened Centralia Junior College, determined to meet if not surpass standards existing at the University of Washington; while other colleges closed their doors during difficult times, such as the depression of the 1930's, there has always been a group of dedicated educators and businessmen within Centralia, who by determination, personal sacrifice and hard work, insisted upon maintaining their college, always cognizant of the need for continuing its initial high standards and ever alert to increasing its curriculum to fulfill the needs of the present generation of students; and

WHEREAS, Centralia Community College represents the oldest of the state's community colleges as to continuous operation, and thus has reached its golden anniversary year, its 50th Anniversary:

NOW, THEREFORE, We, The Members of this Senate of the State of Washington, by this Resolution, take particular pride in extending our congratulations, and our sincere gratitude to the Board of Trustees, The President, Mr. Nels Hanson, and the Staff, and the Business Leaders and Townspeople of the city of Centralia, for their magnificent job in bringing Centralia Community College to its present state of excellence; and

IN ADDITION, This Senate body deems it an added pleasure to announce the Fiftieth Anniversary Celebration dates at Centralia Community College, being May 22nd, 23rd and 24th, and to enumerate some of the activities that should entice a large segment of this state's population to that beautiful southwest area; in addition to the usual reunions for former students and teachers on such occasions, there will be the placement of a monument at the site where the college first began, attended by leading educators from throughout the West, in addition to federal and state officials; an evening banquet honoring all-time, all-star Centralia Community College athletic teams in ten sport categories; the presentation of drama, including Shakespeare's Twelfth Night; art displays, photography displays, puppet shows; meetings of educators from throughout the state; for the public's enjoyment, a Roaring Twenties Day; and other miscellaneous events in keeping with the occasion;

IN ADDITION, The Secretary of the Senate shall see that suitable copies of this Senate Resolution are presented to the President and Members of the Board of Trustees of Centralia Community College, as well as the members of the communications media, and in particular, the editor of the Centralia-Chehalis Daily Chronicle who is devoting special sections of the newspaper to the events of this Fiftieth Anniversary Celebration.

IN CONCLUSION, Congratulations and thank you from this Senate of the State of Washington to all the Centralia area's citizens for their splendid contribution to Education within this State.

The guests were introduced by Senator Odegaard and the committee of honor escorted the honored guests from the Senate Chamber. The committee was discharged.

The President announced that Harry Bradford, father of the Senate Minute Clerk, Mrs. Dorothy Greeley, was the President of the Centralia School Board at the time the Centralia Junior College was established.

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

MESSAGE FROM THE GOVERNOR

May 9, 1975.

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

LADIES AND GENTLEMEN:

I have the honor to advise that on May 8, 1975, Governor Evans approved the following Senate Bills, entitled:

SENATE BILL NO. 2074: Authorizing sewer districts to issue revenue warrants and revenue bond anticipation warrants and expanding authority in regard to revenue bonds.

SUBSTITUTE SENATE BILL NO. 2125: Authorizing alteration of streams by riparian owners in cases of emergency.

SUBSTITUTE SENATE BILL NO. 2183: Providing for the establishment of fees for businesses and professions.

SENATE BILL NO. 2300: Permitting president of the Washington state historical society to have representative in his name on the Washington state board on geographic names.

SUBSTITUTE SENATE BILL NO. 2507: Designating office of program planning and fiscal management as recipient of certificate of annexation.

SENATE BILL NO. 2647: Providing for transfer of state land to Kitsap county.

SENATE BILL NO. 2650: Ratifying county budget actions.

SENATE BILL NO. 2892: Establishing disposition procedures for unclaimed personal property in port districts.

Sincerely,
CHI-DOOH LI
Legal Counsel.

MESSAGE FROM THE HOUSE

May 9, 1975.

Mr. President: The House has passed:

SUBSTITUTE HOUSE BILL NO. 219,

ENGROSSED HOUSE BILL NO. 231,

ENGROSSED HOUSE BILL NO. 536,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 720,

ENGROSSED HOUSE BILL NO. 774,

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 827, and the same are herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

MOTION

At 11:25 a.m., on motion of Senator Walgren, the Senate recessed until 12:40 p.m.

AFTERNOON SESSION

The President called the Senate to order at 12:40 p.m.

MOTION

At 12:40 p.m., on motion of Senator Walgren, the Senate recessed until 1:30 p.m.

SECOND AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.

MOTION

On motion of Senator Knoblauch, Senators Bottiger, Donohue and Walgren were excused.

MESSAGES FROM THE HOUSE

May 12, 1975.

Mr. President: The Speaker has signed: HOUSE BILL NO. 139, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

May 12, 1975.

Mr. President: The Speaker has signed:

SENATE BILL NO. 2024,

SENATE BILL NO. 2218,

SENATE BILL NO. 2297, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 139.

SECOND READING

SENATE BILL NO. 2862, by Senator Sellar:

Deleting local government employees from law setting holidays for state employees.

The Senate resumed consideration of Senate Bill No. 2862 and an amendment by Senators Sellar and Fleming and an amendment to the amendment by Senator Clarke moved for adoption on Friday, May 9, 1975.

There being no objection, on motion of Senator Sellar, the amendment and the amendment to the amendment were withdrawn.

Senator Sellar moved adoption of the following amendment:

On page 1, line 25, after "state" strike "[and its political subdivisions]" and insert "and its political subdivisions *except that for port districts either the federal or the state legal holiday, but in no case both, may be recognized as a paid legal holiday for employees*"

On motion of Senator Francis, the following amendment to the amendment by Senator Sellar was adopted:

On line 4 of the Sellar amendment to page 1, line 25, after "districts" and before "either" insert "*and the law enforcement and public transit employees of municipal corporation,*"

POINT OF INQUIRY

Senator Grant: "Would Senator Sellar yield to a question? In reading this now, it occurs to me, Senator Sellar, that even if a port or county or law enforcement agency or Metro Transit, and I guess the amendment dealt with only transit, it does not deal with sewage disposal which is also a Metro function, but even if those public employers were to determine that they would give the federal and state holiday on Memorial Day in lieu of either federal or state holiday at Veterans' Day or another holiday, even if they were

o determine that in collective bargaining with their employees; and most port districts and law enforcement agencies and municipal transit and sewage programs do have bargaining units that they deal with, are we by your amendment precluding them from entering into that kind of contractual agreement with their employees?"

Senator Sellar: "I do not believe we are, Senator Grant. Number one, the amendment speaks to public transit employees of the municipal corporation so it is fairly narrow in that particular point. Secondly, you will notice that the amendment says that either holiday may be recognized but in no case both. That question was raised, so it appears to me that they could collectively bargain for either holiday."

Senator Grant: "But the question I asked was, could they take the two for Memorial Day and forego the two at Veterans' Day, and as I read your amendment it would not permit that."

Senator Sellar: "I think that is correct."

Senator Grant moved adoption of the following amendment to the amendment by Senator Sellar, as amended:

After the last word of the Sellar amendment and before the period, insert "*unless both are bargained for in substitution for another permissible holiday*".

POINT OF INQUIRY

Senator Guess: "Would Senator Grant yield? Senator Grant, can you, in the wildest stretch of your imagination, think that a group of people is going to go out of phase on having their holidays spaced equally over the year, as most holidays are now, as what we are trying to do, do you think that they would have two Memorial Days within the space of two weeks and forego a holiday in the fall?"

Senator Grant: "I am not sure that that is my only concern or that that is the only item that this deals with, Senator Guess. It does permit the trading of holidays and that has occurred in private industry as well as in public employment. I recall the Boeing Company as an example taking as a holiday the day after Thanksgiving. You know, in November, in that span of time there are quite a few holidays. They took that in lieu of Veterans' Day in their contract several years ago, and all I am saying is that they should have the flexibility to do that sort of thing if it is freely bargained for between the parties."

Senator Guess: "I would answer that by saying that was a reasonable deal because the people wanted a four day holiday, Thursday, Friday, Saturday and Sunday. No other holiday would give you that attractive a package and I think that you introduce an ambiguity here that to me is going to make it more difficult to sit down at the table and collectively bargain and I would speak against the verbal amendment."

The motion by Senator Grant failed and the amendment to the amendment was not adopted.

The motion by Senator Sellar carried and the amendment, as amended, was adopted.

On motion of Senator Sellar the rules were suspended, Engrossed Senate Bill No. 2862, 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. 2862 and the bill passed the Senate by the following vote: Yeas, 40; nays, 2; absent or not voting, 4; excused, 3.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Fleming, Francis, Goltz, Gould, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Newschwander, North, Odegaard, Pullen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Washington, Wilson, Woody—40.

Voting nay: Senators Grant, Rasmussen—2.

Absent or not voting: Senators Morrison, Murray, Peterson, Wanamaker—4.

Excused: Senators Bottiger, Donohue, Walgren—3.

ENGROSSED SENATE BILL NO. 2862, having received the 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. 32, by Committee on Labor (originally sponsored by Representatives Parker and Adams):
Conforming state minimum wage laws to federal laws.

REPORT OF STANDING COMMITTEE

March 7, 1975.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 32, conforming state minimum wage laws to federal laws (reported by Committee on Labor):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, line 22, after "religious," and before "or" insert "*governmental agency,*"

On page 4, line 8, after "*dollars*" and before "*an*" insert "*and ten cents*"

Signed by: Senators Ridder, Chairman; Bailey, Grant, von Reichbauer.

The bill was read the second time by sections.

On motion of Senator Ridder, the committee amendment to page 2, line 22, was adopted.

Senator Ridder moved adoption of the committee amendment to page 4, line 8.

POINT OF INQUIRY

Senator Guess: "Would Senator Ridder answer a question? Senator Ridder, the nursing homes are having a difficult job now and we are not paying the cost reimbursement that we set out to do. Is there any money in the budget to assure that these people will be able to meet the additional costs?"

Senator Ridder: "Yes, we have consulted with the chairman of the Ways and Means Committee, Senator Guess, and Senator Donohue assures us that there is money provided within the nursing home budget to take care of this particular provision."

Senator Day: "Senator Guess, in further answer to your question, there is money in the budget supposedly for inflationary impact. This may or may not have been counted as inflationary impact. However, it is my understanding there is no money in the budget to do anything to meet the HEW requirements or the other requirements relative to the payment of the cost related reimbursement, but this is in the inflationary thing and I think it is ten cents an hour is all we are talking about."

The motion by Senator Ridder carried and the committee amendment was adopted.

On motion of Senator Grant, the following amendment was adopted:

On page 4, line 15 of the engrossed substitute bill, after "*dollars*" and before "*an*" insert "*and ten cents*"

Senator Morrison moved adoption of the following amendment:

On page 5, line 31, after "amended" insert "or in the event that there exists between an employer and employee or group of employees an agreement in which provisions are made relating to work week and hours"

POINT OF INQUIRY

Senator Lewis (Harry): "Will Senator Morrison yield? Senator Morrison, I do not have a copy of your amendment. Does your amendment apply only to existing contracts or would it be possible for negotiations for a four day ten hour day week be possible next year for some organization or how would that apply in the future?"

Senator Morrison: "The language does not necessarily tie to a time certain so this would apply to existing contracts and to future contracts. That agreement can abridge the requirements of this particular act."

POINT OF INQUIRY

Senator Grant: "Will Senator Morrison yield to a question? Senator Morrison, I am reading section 3 which permits work in excess of forty hours in any one week and I just have now received a copy of your amendment. I take it this is the first amendment which relates to compensating time off, is that correct?"

Senator Morrison: "No, the second amendment was read first, Senator Grant, so this one is the one that relates to agreements between employers and employees that the forty hour work week provisions would not apply to agreements between them."

Senator Grant: "Senator Morrison, I am a little concerned here because it is late and I am looking at RCW 49.46.010 sub (5) (j) which is the area that you are seeking to amend and that only relates to any individual employed by any charitable institution charged with child care responsibilities, engaged primarily in the development of character or citizenship or promoting health or physical fitness or providing sponsoring recreational opportunities or facilities for young people or members of the armed forces of the United States, so I really think that if you are attempting to permit bargaining of compensatory time off or a different work week other than the normal five day forty hour work week, eight hour day, that you are not getting to it by the amendment. I would suggest that we ought to take a look at this before we pass on it."

MOTIONS

Senator Morrison moved that Engrossed Substitute House Bill No. 32, together with the pending amendments, be placed on the second reading calendar for Tuesday, May 13, 1975.

On motion of Senator Grant, the motion by Senator Morrison was amended and Engrossed Substitute House Bill No. 32, together with the pending amendments, was ordered placed at the beginning of the second reading calendar for Tuesday, May 13, 1975.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of Senate Bill No. 2654.

SECOND READING

SENATE BILL NO. 2654, by Senators Odegaard and Benitz (by Superintendent of Public Instruction request):

Enlarging scope of school use for excise tax on real estate sales.

MOTIONS

On motion of Senator Odegaard, Substitute Senate Bill No. 2654 was substituted for Senate Bill No. 2654 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Odegaard, the rules were suspended, Substitute Senate Bill No. 2654 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. 2654 and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 3; excused, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—45.

Absent or not voting: Senators Fleming, Murray, Stortini—3.

Excused: Senator Donohue—1.

SUBSTITUTE SENATE BILL NO. 2654, having received the 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 Talley, Senator Stortini was excused.

On motion of Senator Mardesich, the Senate commenced consideration of Substitute House Bill No. 389.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 389, by Committee on Labor (originally sponsored by Representatives Charnley, Newhouse and King):

Exempting certain nongovernmental educational institutions from certain provisions of the unemployment compensation law..

The bill was read the second time by sections.

On motion of Senator Morrison, the rules were suspended, Substitute House Bill No. 389 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 Grant: "Would Senator North or Senator Morrison yield? Senator Morrison, I recall this measure being in the Labor Committee and now in reading it I once again have a little concern in that this does not just apply to the community colleges which may be running preschools with largely volunteer help that are not a formal part of the community college program, but it applies to all preschool programs, even the proprietary preschool programs, those for profit, that may be well able to have their employees who are full time employees participate in an unemployment compensation program. Is that not correct?"

Senator Morrison: "I am not sure that I can answer your question, Senator Grant. The change in language is, 'or in the employ of a nongovernmental preschool,' then it defines what that is, 'an organization devoted exclusively to the area of child development training of preschool age children through an established curriculum of formal classroom and/or laboratory instruction.' It would include the group that you are concerned about."

Senator Grant: "It exempts them from coverage then and I would just suggest that we might be able to get to that concern by returning this to second reading and specifying that these be nonprofit preschools and in that way we can insure that employees who might be employed in a proprietary preschool program, you know, that is their livelihood, that is their living, would have unemployment compensation coverage. I think perhaps the measure goes a little bit further than the Labor Committee intended or that the Senate would like to go and I would think that with additional work we may be able to limit this to the problem area."

MOTION

On motion to Senator Grant, Substitute House Bill No. 389 was ordered held on the third reading calendar for Tuesday, May 13, 1975.

MOTION

At 2:25 p.m., on motion of Senator Mardesich, the Senate recessed until 4:00 p.m.

THIRD AFTERNOON SESSION

The President called the Senate to order at 4:00 p.m.

MOTION

On motion of Senator Lewis (R. H. "Bob"), Senator Murray was excused.

SECOND READING

SENATE BILL NO. 2065, by Senators Walgren, Stortini, Keefe, and Guess (by Department of Motor Vehicles request):
Revising the definition of habitual traffic offender.

REPORT OF STANDING COMMITTEE

February 21, 1975.

SENATE BILL NO. 2065, revising the definition of habitual traffic offender (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, line 24, strike all of section 2 and renumber the remaining sections accordingly.

In line 2 of the title after "RCW 46.65.020"; strike all the matter down through "RCW 46.65.040;" in line 3.

Signed by: Senators Francis, Chairman; Buffington, Clarke, Fleming, Scott, Van Hollebeke.

The bill was read the second time by sections.

On motion of Senator Francis, the committee amendment was adopted.

On motion of Senator Francis, the committee amendment to the title was adopted.

On motion of Senator Francis, the rules were suspended, Engrossed Senate Bill No. 2065 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. 2065 and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; absent or not voting, 1; excused, 3.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—44.

Voting nay: Senator Fleming—1.

Absent or not voting: Senator Jones—1.

Excused: Senators Donohue, Murray, Stortini—3.

ENGROSSED SENATE BILL NO. 2065, having received the 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 Mardesich, the Senate commenced consideration of Senate Bill No. 2244.

SECOND READING

SENATE BILL NO. 2244, by Senators Knoblauch, Guess, Rasmussen and Beck:
Regulating hitchhiking.

MOTIONS

On motion of Senator Buffington, Substitute Senate Bill No. 2244 was substituted for Senate Bill No. 2244 and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Woody, the following amendment was adopted:

On page 1, line 20, strike "(6)" and insert "(7)".

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

On page 1, line 24, after "hire" and before the period insert "*, nor to prevent a person from soliciting a ride for himself or for another from a recognized public, private, or, military courtesy station approved by the Washington highway commission or unit of local government involved*".

There being no objection, the two amendments by Senator Buffington on the Secretary's desk were withdrawn.

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

On page 1, following line 24 insert a paragraph as follows:

"For the purposes of this subsection, the term "emergency" shall include, but not be limited to, an accident or mechanical failure affecting the operating condition of the soliciting person's vehicle, or a fuel or transit shortage requiring ride sharing when so declared by the governor."

Senator Woody moved adoption of the following amendment:

On page 1, beginning on line 30, strike all the matter down to and including "[of this section]" on page 2, line 4, and insert "It is the intent of the legislature that this section preempt the field of regulation of hitchhiking in any form and no county, city, town, municipality or political subdivision [thereof] of the state shall take any action in conflict with the provisions of this section.

(7)"

POINT OF INQUIRY

Senator Cunningham: "Would Senator Woody yield to a question? Senator Woody, in this you are talking about hitchhiking in any form. Would that, if a student misses a school bus and just by standing there looks like he needs a ride, is that hitchhiking in any form?"

Senator Woody: "Are you asking me a question pertaining to this amendment?"

Senator Cunningham: "I am asking you to tell me what hitchhiking in any form is, and that is mentioned in this amendment so, yes."

Senator Woody: "It is the intent of this amendment to put the existing language that is in the statute back in, and that means that the state will have to describe what is either legal or illegal in the way of hitchhiking and that no city, county or the political subdivision can vary from that."

Senator Cunningham: "Thank you."

POINT OF INQUIRY

Senator Guess: "Senator Woody, would you yield? Senator Woody, I thought that we were talking about a public highway. Now would this limit the city from adopting any rules or regulations regarding hitchhiking on a city street?"

Senator Woody: "Yes, it would."

Senator Guess: "I think that the amendment then enlarges the scope and object of the bill."

Senator Woody: "We are putting in existing language. The language that by this amendment I insert is the same language that is in current law which you will see on page 1 of the bill, line 30 going through lines 1 through 4 on page 2. I am reinserting what the statute today states."

Senator Guess: "Senator Woody, I was not looking at the substitute bill. Okay, thank you very much."

POINT OF INQUIRY

Senator Rasmussen: "Would Senator Woody yield to a question? Senator Woody, this says, 'shall be unlawful for any person to solicit a ride for himself or another from within the right of way of any limited access facility except in such areas where permission to do so is given and posted by the highway authority of the state, county, city or town having jurisdiction over the highways.' Now your proposed amendment would nullify that section."

Senator Woody: "No, it would not. What you are reading from was subsection (2). I am reinserting the language that is in subsection (6) of current law. It has been pointed out, there is one difference. In the current language we are talking about political subdi-

visions thereof, and cities, towns, and municipalities do not have political subdivisions. The political subdivisions are of the state and I have made that correction."

Senator Rasmussen: "Thank you."

The motion by Senator Woody carried and the amendment was adopted.

On motion of Senator Bottiger, the following amendments were adopted:

On page 2, line 5, after "another" and before the semicolon insert "from the occupant of any vehicle while upon or along a public highway"

On page 2, line 7, after "a.m." insert "from the occupant of any vehicle while upon or along a public highway"

On page 2, line 8, strike "(7)" and insert "(8)" and on line 13, strike "(8)" and insert "(9)"

MOTIONS

On motion of Senator Knoblauch, Senator Talley was excused.

On motion of Senator Buffington, the rules were suspended, Engrossed Substitute Senate Bill No. 2244 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. 2244 and the bill passed the Senate by the following vote: Yeas, 33; nays, 10, absent or not voting, 2; excused, 4.

Voting yea: Senators Bailey, Beck, Benitz, Bottiger, Buffington, Clarke, Day, Goltz, Gould, Guess, Henry, Herr, Jolly, Keefe, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Scott, Sellar, Walgren, Wanamaker, Washington, Wilson, Woody—33.

Voting nay: Senators Bluechel, Cunningham, Fleming, Francis, Grant, Jones, Matson, McDermott, Sandison, Van Hollebeke—10.

Absent or not voting: Senators Lewis (Harry), von Reichbauer—2.

Excused: Senators Donohue, Murray, Stortini, Talley—4.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2244, having received the 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 Buffington, Engrossed Substitute Senate Bill No. 2244 was ordered immediately transmitted to the House.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of Senate Bill No. 2670.

SECOND READING

SENATE BILL NO. 2670, by Senator Rasmussen:

Revising liquor license requirements for common carriers.

REPORT OF STANDING COMMITTEE

March 21, 1975.

SENATE BILL NO. 2670, revising liquor license requirements for common carriers (reported by Committee on State Government):

MAJORITY recommendation: Do pass with the following amendments:

On page 4, line 20, after "of" and before "additional" insert "an"

On page 4, line 22, after "shall" and before "to" strike "extent" and insert "extend"

On page 4, line 32, after "(b)" strike all matter down to the period on page 5, line 4, and insert "Alcoholic beverages sold and/or served for consumption by such interstate common carriers while within or over the territorial limits of this state shall be sub-

ject to such board markup and state liquor taxes in an amount to approximate the revenue that would have been realized from such markup and taxes had the alcoholic beverages been purchased in Washington: PROVIDED, That the board's markup shall be applied on spirituous liquor only. Such common carriers shall report such sales and/or service and pay such markup and taxes in accordance with procedures prescribed by the board"

On page 5, line 15, after "(3)" and before "The" insert "Alcoholic beverages sold and delivered in this state to interstate common carriers for use under the provisions of this section shall be considered exported from the state, subject to the conditions provided in subsection (1)(b)."

Signed by: Senators Rasmussen, Chairman; Buffington, Cunningham, Day, Knoblauch, Wanamaker.

The bill was read the second time by sections.

On motion of Senator Rasmussen, the committee amendments were adopted.

On motion of Senator Rasmussen, the rules were suspended, Engrossed Senate Bill No. 2670 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. 2670 and the bill passed the Senate by the following vote: Yeas, 42; nays, 1; absent or not voting, 2; excused, 4.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Fleming, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—42.

Voting nay: Senator Scott—1.

Absent or not voting: Senators Francis, Lewis (Harry)—2.

Excused: Senators Donohue, Murray, Stortini, Talley—4.

ENGROSSED SENATE BILL NO. 2670, having received the 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 Mardesich, the Senate returned to the first order of business.

REPORTS OF STANDING COMMITTEES

May 6, 1975.

SUBSTITUTE SENATE BILL NO. 2720, deleting all reference to "power commission" and inserting "operating agency" (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: That Substitute Senate Bill No. 2720 be substituted therefor and the substitute bill do pass.

Signed by: Senators Walgren, Chairman; Henry, Vice Chairman; Beck, Bottiger, Jolly, Knoblauch, Sellar, Talley, Wanamaker.

Passed to Committee on Rules for second reading.

May 9, 1975.

SENATE BILL NO. 2965 relating to the veterans' bonus (reported by Committee on Ways and Means):

MAJORITY recommendation: That Substitute Senate Bill No. 2965 be substituted therefor and the substitute bill do pass.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Wilson,

Second Vice Chairman; Bailey, Jones, Marsh, Matson, Rasmussen, Sandison, Scott, Washington.

Passed to Committee on Rules for second reading.

May 12, 1975.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 40, providing for health maintenance organization (reported by Committee on Social and Health Services).

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; von Reichbauer, Vice Chairman; Buffington, Cunningham, Goltz, Gould, McDermott, North, Pullen, Ridder, Van Hollebeke.

Passed to Committee on Rules for second reading.

May 8, 1975.

SUBSTITUTE HOUSE BILL NO. 211, entitling retail implement or car dealer to recover price of articles upon discontinuance of contract by wholesaler or retail dealer (reported by Committee on Commerce):

Recommendation: Do pass as amended.

Signed by: Senators Van Hollebeke, Chairman; Cunningham, Morrison, Peterson, Ridder.

Passed to Committee on Rules for second reading.

May 9, 1975.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 664, establishing minimum thermal insulation standards (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Walgren, Chairman; Henry, Vice Chairman; Beck, Jolly, Knoblauch, Peterson, Sellar, Talley, Wanamaker.

Passed to Committee on Rules for second reading.

May 9, 1975.

ENGROSSED HOUSE BILL NO. 687, providing for exemption of irrigation equipment from sales and use tax (reported by Committee on Agriculture):

Recommendation: Do pass and refer to Committee on Ways and Means.

Signed by: Senators Jolly, Chairman; Benitz, Day, Sellar, Wilson.

Referred to the Committee on Ways and Means.

May 9, 1975.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1204, relating to artificial honey products (reported by Committee on Agriculture):

Recommendation: Do pass as amended.

Signed by: Senators Jolly, Chairman; Benitz, Day, Sellar, Wilson.

Passed to Committee on Rules for second reading.

May 9, 1975.

HOUSE JOINT MEMORIAL NO. 19, memorializing the President and Congress not to change the line of demarcation for inland waters (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass.

Signed by: Senators Walgren, Chairman; Henry, Vice Chairman; Beck, Jolly, Knoblauch, Peterson, Sellar, Talley, Wanamaker.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE HOUSE

May 12, 1975.

Mr. President: The House has passed:
SUBSTITUTE HOUSE BILL NO. 91,

SUBSTITUTE HOUSE BILL NO. 294,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 378,
 ENGROSSED HOUSE BILL NO. 441,
 SUBSTITUTE HOUSE BILL NO. 762,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 972,
 HOUSE BILL NO. 1031,
 SUBSTITUTE HOUSE BILL NO. 1091,
 SUBSTITUTE HOUSE BILL NO. 1100,
 ENGROSSED SUBSTITUTE HOUSE BILL NO. 1143,
 SECOND SUBSTITUTE HOUSE BILL NO. 1146,
 HOUSE JOINT MEMORIAL NO. 24, and the same are herewith transmitted.
 DEAN R. FOSTER, Chief Clerk.

INTRODUCTION AND FIRST READING

SENATE CONCURRENT RESOLUTION NO. 112, by Senators Jolly, Sellar, Wilson, Benitz and Day:

Recognizing the centennial celebration of state agriculture experiment stations and honoring the WSU Agricultural Research Center.

Referred to Committee on Rules.

SUBSTITUTE HOUSE BILL NO. 219, by Committee on Ways and Means (originally sponsored by Representatives Pardini, Charette, Curtis, Laughlin and Smith (E. P.)) (by Office of Program Planning and Fiscal Management request):

Authorizing state general obligation bonds to fund community college capital projects previously approved by the legislature.

Referred to Committee on Ways and Means.

ENGROSSED HOUSE BILL NO. 231, by Representatives Wojahn, Brown, Bender, King, Erickson, Ehlers, Hawkins and Parker (by Superintendent of Public Instruction request):

Mandating certain school districts to divide into director districts and providing for election of directors thereunder.

Referred to Committee on Education.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 720, by Committee on Higher Education (originally sponsored by Representatives Moreau, Becker, Conner, Maxie, Hansey, Nelson, Berentson and Luders):

Authorizing state colleges of education to offer degrees through master's degree subject to review by the legislature.

Referred to Committee on Higher Education.

ENGROSSED HOUSE BILL NO. 774, by Representative Warnke:

Regulating and licensing massage businesses.

Referred to Committee on Social and Health Services.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 827, by Committee on Constitution and Elections (originally sponsored by Representatives King, Lysen, Brown, Knowles, Erickson and Chandler):

Providing changes in public disclosure provisions.

Referred to Committee on Constitution and Elections.

INTRODUCTION AND FIRST READING

SUBSTITUTE HOUSE BILL NO. 91, by Committee on Commerce (originally sponsored by Representatives Fischer, Jastad and Wojahn):

Enacting a hazardous substance act.
Referred to Committee on Commerce.

SUBSTITUTE HOUSE BILL NO. 294, by Committee on Financial Institutions (originally sponsored by Representatives Conner, Ceccarelli, Gaspard and Laughlin):
Making miscellaneous changes in credit union laws.
Referred to Committee on Financial Institutions.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 378, by Committee on State Government (originally sponsored by Representatives Moon, Pardini, Jastad, May, Haussler, Thompson, Douthwaite, Paris and Ceccarelli):
Prescribing procedures for the collection, analysis, and reporting of statistical information on file by the state fire marshal.
Referred to Committee on State Government.

ENGROSSED HOUSE BILL NO. 441, by Representatives Thompson and Zimmerman:
Amending the Environmental Coordination Procedures Act of 1973.
Referred to Committee on Local Government.

SUBSTITUTE HOUSE BILL NO. 762, by Committee on Parks and Recreation (originally sponsored by Representatives North and Peterson):
Establishing winter recreational parking.
Referred to Committee on Parks and Recreation.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 972, by Committee on Ways and Means (originally sponsored by Representatives Adams, Pardini, and Hanna):
Authorizing bonds for social and health service facilities.
Referred to Committee on Ways and Means.

HOUSE BILL NO. 1031, by Representative Haussler:
Reducing number of district court judges in Lincoln county from two to one.
Referred to Judiciary Committee.

SUBSTITUTE HOUSE BILL NO. 1091, by Committee on Ways and Means (originally sponsored by Representatives Chatalas, Polk and Greengo):
Authorizing general obligation bond issue of state for University of Washington hospital facilities in lieu of university revenue bonds.
Referred to Committee on Ways and Means.

SUBSTITUTE HOUSE BILL NO. 1100, by Committee on Transportation and Utilities (originally sponsored by Representatives Gaspard and North):
Permitting local governments greater latitude in establishing utility rates.
Referred to Committee on Transportation and Utilities.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1143, by Committee on Ways and Means (originally sponsored by Representative Maxie):
Authorizing issuance of bonds for certain community college projects.
Referred to Committee on Ways and Means.

SECOND SUBSTITUTE HOUSE BILL NO. 1146, by Committee on Ways and Means (originally sponsored by Representative Maxie):
Authorizing bonds for financing of higher education facilities.
Referred to Committee on Ways and Means.

HOUSE JOINT MEMORIAL NO. 24, by Representatives Tilly, Whiteside, Chandler, Kilbury and Newhouse:

Requesting that the apple blossom be designated the national flower.
Referred to Committee on Agriculture.

INTRODUCTION AND FIRST READING

ENGROSSED HOUSE BILL NO. 536, by Representatives Ceccarelli, Blair, Chatalas, Bagnariol and McCormick:
Providing for regulation of health care service contractors.

MOTION

Senator Walgren moved the Engrossed House Bill No. 536 be referred to the Committee on Financial Institutions.

Debate ensued.

Senator Herr demanded a roll call and the demand was sustained by Senators Keefe, Knoblauch, Lewis (Harry), Buffington, Matson, Jones, Fleming, Grant and von Reichbauer.

The President declared the question before the Senate to be the motion by Senator Walgren that Engrossed House Bill No. 536 be referred to the Committee on Financial Institutions.

ROLL CALL

The Secretary called the roll and the motion by Senator Walgren carried by the following vote: Yeas, 25; nays, 18; absent or not voting, 3; excused, 3.

Voting yea: Senators Bailey, Beck, Bluechel, Clarke, Donohue, Goltz, Gould, Jolly, Jones, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Newschwander, North, Sandison, Scott, Sellar, von Reichbauer, Walgren, Wanamaker, Woody—25.

Voting nay: Senators Benitz, Bottiger, Buffington, Cunningham, Day, Fleming, Grant, Henry, Herr, Keefe, Knoblauch, Odegaard, Peterson, Pullen, Ridder, Van Hollebeke, Washington, Wilson—18.

Absent or not voting: Senators Francis, Guess, Rasmussen—3.

Excused: Senators Murray, Stortini, Talley—3.

Engrossed House Bill No. 536 was referred to the Committee on Financial Institutions.

MOTION

At 5:05 p.m., on motion of Senator Mardesich, the Senate adjourned until 9:45 a.m., Tuesday, May 13, 1975.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

SIXTY-FIRST DAY

MORNING SESSION

Senate Chamber, Olympia, Tuesday, May 13, 1975.

The Senate was called to order at 9:45 a.m. by President Cherberg. The Secretary called the roll and announced to the President that all Senators were present except Senator Keefe. On motion of Senator Talley, Senator Keefe was excused.

The Color Guard, consisting of Pages Kim Matthews and John Pavel, presented the Colors. Reverend James T. Albertson, pastor of the First United Methodist Church of Bremerton, offered the following prayer:

"ALMIGHTY GOD OUR HEAVENLY FATHER, WE PAUSE AT THE BEGINNING OF A NEW DAY TO WAIT UPON THEE AND ASK FOR THY GUIDANCE THROUGHOUT THE HOURS OF THIS DAY. WE PRAY ESPECIALLY FOR ALL THOSE IN AUTHORITY OVER US, AND FOR ALL WHO BEAR RESPONSIBILITIES FOR THE PUBLIC WELFARE OF OUR STATE AND NATION. SO MANY TIMES WE ARE ALL CONSCIOUS OF OUR OWN FRAILTIES. FORGIVE US FOR THEM, OUR HEAVENLY FATHER, AND GIVE US THE STRENGTH, THE INSIGHTS, AND THE COURAGE TO ACT UPON THE BEST WHICH WE KNOW, IN ALL OUR ACTIONS. WE ARE GLAD FOR OUR STATE OF WASHINGTON, AND FOR THOSE WHO LEAD US IN IT. MAY THEIR LEADERSHIP AND SERVICE BE GIVEN TO ALL PEOPLE, AS IT IS GIVEN UNTO THEE. MAY ALL OF US, WHO CALL OURSELVES CITIZENS, ASSUME SUCH A DEGREE OF RESPONSIBILITY THAT WE SHALL BE WORTHY TO BE CALLED 'CITIZEN'. HELP ALL OF US TO DO THE RIGHT, AND TO REFRAIN FROM THE OVERSIMPLIFICATION OF OUR COMPLEX PROBLEMS, LEST WE MISS THE ULTIMATE GOAL OF BRINGING ABOUT A BETTER STATE FOR ALL.

"NOT ONLY FOR OUR STATE DO WE PRAY, BUT FOR ALL THOSE IN OUR NATIONAL GOVERNMENT, WHO MUST BEAR HEAVY BURDENS. MAY THEY, TOO, HAVE THE WISDOM, STRENGTH, AND COURAGE TO TACKLE THE MANY PROBLEMS WHICH FACE THEM IN THESE DIFFICULT DAYS OF SOCIAL RESPONSIBILITY.

"WE NEED THY HELP, O GOD, AND MAY WE HAVE THAT HELP TODAY, THAT TODAY'S RESPONSIBILITIES SHALL BE CARRIED WITH SUCH HONOR THAT WE SHALL BE WORTHY OF CITIZENSHIP, NOT ONLY IN OUR STATE AND NATION, BUT IN THY KINGDOM.

"THIS WE ASK IN THY NAME, AND FOR OUR SALES. AMEN."

MOTION

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

MESSAGE FROM THE HOUSE

May 9, 1975.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2242, with the following amendments:

On page 2, beginning on line 11, after "*involvement of*" strike "*a consortium of*".

On page 8, line 15, after "14; the" strike "southern" and insert "northern".

On page 8, line 20, after "half and the" strike "northeastern" and insert "northwestern", and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

MOTION

On motion of Senator Henry, the Senate concurred in the House amendments to Engrossed Senate Bill No. 2242.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2242, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; absent or not voting, 1; excused, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—47.

Absent or not voting: Senator Fleming—1.

Excused: Senator Keefe—1.

ENGROSSED SENATE BILL NO. 2242, 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.

MESSAGE FROM THE HOUSE

May 12, 1975.

Mr. President: The House has adopted the report of the Conference Committee on ENGROSSED HOUSE BILL NO. 385, and has granted said committee the powers of Free Conference.

DEAN R. FOSTER, Chief Clerk.

REPORT OF FREE CONFERENCE COMMITTEE

May 8, 1975.

Mr. President:

Mr. Speaker:

We of your Free Conference Committee, to whom was referred Engrossed House Bill No. 385, increasing the assessment per head on cattle, have had the same under consideration, and we recommend that the Senate amendment be not adopted and the following substitute amendment be adopted:

On page 1, line 8, after "sale:" strike "PROVIDED" and insert "*PROVIDED, That on July 1, 1977 the assessment of twenty cents per head shall be reduced to ten cents per head, unless the director finds, after a hearing held in accordance with the Administrative Procedures Act, RCW 34.04, which shall be held at least sixty days prior to July 1, 1977, that the assessment should be otherwise, but in no instance may such assessment exceed twenty cents per head: PROVIDED FURTHER.*"

Signed by: Senators Benitz, Jolly and Wilson; Representatives Amen, Hansen and Kilbury.

MOTION

On motion of Senator Jolly, the report of the Free Conference Committee on Engrossed House Bill No. 385 was adopted.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 385, as amended by the Free Conference Committee, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 3; excused, 1.

Voting yea: Senators Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Francis, Goltz, Gould, Grant, Henry, Herr, Jolly, Jones,

Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—45.

Absent or not voting: Senators Bailey, Fleming, Guess—3.

Excused: Senator Keefe—1.

ENGROSSED HOUSE BILL NO. 385, as amended by the Free Conference Committee, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MESSAGE FROM THE HOUSE

May 8, 1975.

Mr. President: The House has passed SENATE BILL NO. 2513, with the following amendment:

On page 2, line 6, after "either" strike the rest of the paragraph and insert "[the department of highways or to the state parks and recreation commission] *a state agency, to an appropriate local governmental body or to such other entity as the director may deem appropriate and in the state's best interest*", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Matson, the Senate concurred in the House amendment to Senate Bill No. 2513.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2513, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 3; excused, 1.

Voting yea: Senators Bailey, Beck, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Francis, Goltz, Gould, Grant, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—45.

Absent or not voting: Senators Benitz, Fleming, Guess—3.

Excused: Senator Keefe—1.

SENATE BILL NO. 2513, 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.

MESSAGE FROM THE HOUSE

May 8, 1975.

Mr. President: The House has passed SENATE BILL NO. 2106, with the following amendments:

On page 1, line 23, after "be" and before "constructed" insert "planned and".

On page 1, line 23 after "renovated" strike "on and".

On page 2, line 6, after "means" strike "revision of a major facility" and insert "additions, alterations, or repairs within any twelve month period which exceed fifty percent of the value of a major facility and", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Walgren, the Senate refused to concur in the House amendments to Senate Bill No. 2106, and asks the House to recede therefrom.

APPOINTMENT OF SPECIAL COMMITTEE

The President announced the presence in the Senate Chamber of Captain Daniel Piraino, Commanding Officer, Strategic Weapons Facility-Pacific, and appointed Senators Walgren, Scott, Beck, Newschwander, and Wanamaker to escort the honored guest to the Senate rostrum.

The President turned the gavel over to Senator Walgren, who introduced Captain Piraino.

With permission of the Senate, business was suspended to allow the honored guest to address the Senate.

The committee of honor escorted Captain Piraino from the Senate Chamber and the committee was discharged.

MOTION

On motion of Senator Lewis (R. H. "Bob"), Senator Matson was excused.

MESSAGE FROM THE HOUSE

May 8, 1975.

Mr. President: The House has passed ENGROSSED SENATE BILL NO. 2690, with the following amendment:

On page 1, beginning on line 9, after "units" strike the remainder of the bill, including the Senate committee amendment, and insert "[of one gill, one-half liquid pint, ten fluid ounces, one liquid pint, one liquid quart, one-half gallon, one gallon, one and one-half gallon, two gallons, two and one-half gallons or multiples of one gallon: PROVIDED, That the director may by regulation provide for other sizes under one quart] as provided by the director of the department of agriculture by regulation pursuant to the provisions of chapter 34.04 RCW.", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Jolly, the Senate concurred in the House amendment to Engrossed Senate Bill No. 2690.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2690, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 1; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—46.

Absent or not voting: Senator Fleming—1.

Excused: Senators Keefe, Matson—2.

ENGROSSED SENATE BILL NO. 2960, 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.

MOTIONS

On motion of Senator Mardesich, Senate Bill No. 2962 was ordered held on the Introduction and First Reading calendar for Wednesday, May 21, 1975.

On motion of Senator Grant, Engrossed Substitute House Bill No. 32 was ordered placed on today's second reading calendar following Senate Bill No. 2734.

On motion of Senator Ridder, Substitute House Bill No. 389 was ordered placed on today's third reading calendar following Engrossed House Bill No. 32.

On motion of Senator Mardesich, Substitute House Bill No. 126 was ordered placed at the end of today's second reading calendar.

SECOND READING

SENATE BILL NO. 2734, by Senators Rasmussen, Lewis (Harry), Bailey and Donohue:

Prescribing changes in shoreline management provisions.

MOTIONS

On motion of Senator Rasmussen, Substitute Senate Bill No. 2734 was substituted for Senate Bill No. 2734, and the substitute bill was placed on second reading and read the second time in full.

Senator Bluechel moved adoption of the following amendment:

On page 6, line 23 strike "[(11) Any permit for a variance or a conditional use by local government under approved master programs must be submitted to the department for its approval or disapproval.]" and insert the following:

"(11) Any permit for a variance or a conditional use by local government under approved master programs must be submitted to the department for its approval or disapproval."

Debate ensued.

MOTION

Senator Woody moved that further consideration of Substitute Senate Bill No. 2734, together with the pending amendment by Senator Bluechel, be held for Wednesday, May 14, 1975.

Debate ensued.

The motion by Senator Woody carried. Substitute Senate Bill No. 2734 was ordered to hold its place on the second reading calendar for Wednesday, May 14, 1975.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 32, by Committee on Labor (originally sponsored by Representatives Parker and Adams):

Conforming state minimum wage laws to federal laws.

The Senate resumed consideration of Engrossed Substitute House Bill No. 32 and an amendment by Senator Morrison which was moved for adoption on Monday, May 12, 1975.

There being no objection, the amendment by Senator Morrison was withdrawn.

On motion of Senator Grant, the following amendments by Senators Grant, Morrison and Ridder were moved for adoption and considered simultaneously:

On page 3, line 26, strike "the calendar year 1975" and insert "[the calendar year 1974] with the effective date of this act".

On page 3, line 36, strike "the calendar year 1975" and insert "with the effective date of this act".

On page 4, line 7, strike "the calendar year 1975" and insert "with the effective date of this act".

On page 4, line 14, strike "the calendar year 1975" and insert "with the effective date of this act".

On page 4, line 25, strike "the calendar year 1975" and insert "with the effective date of this act".

POINT OF INQUIRY

Senator Lewis (Harry): "Will Senator Grant yield to a question? Senator Grant, your amendment just came on the desk and I do not wish to hold up the bill, but I am

wondering — what you are doing in effect is failing to give notice to employers, as I read it. If I am incorrect I hope you can straighten me out. Normally, when we act on a minimum wage bill, we provide a little time and notice and it would seem to me that your amendment would be perfected if you were to move out to the beginning of 1976. But what you are doing is on the effective date of the act you are getting immediate compliance which would not provide for notification or the possibility for people to know ahead of time what the act did, and I am not aware of any minimum wage act that was ever done and adopted this procedure, and I wonder if you could respond to that.”

Senator Grant: “Senator Lewis, I intended to change the measure so that the minimum wage rates would not be retroactive to January 1, and that is the way the bill was written originally. That is the purpose of my amendment. There is sufficient notice after passage of the act to employers of this state as to the requirements for payment of the minimum wage.”

Senator Lewis (Harry): “You have an emergency clause in new section”

Senator Grant: “There is also an amendment by Senator Newschwander that strikes the emergency clause. You will have an opportunity to consider that one. I think there could be litigation relative to retroactive payment of minimum wages in this state that might hold up this act, and that is the reason for my amendment. It is my sop to the business community.”

Debate ensued.

MOTIONS

Senator Lewis (Harry) moved further consideration of Engrossed Substitute House Bill No. 32 following Senate Bill No. 2469.

On motion of Senator Grant, Engrossed Substitute House Bill No. 32, as amended on May 12, 1975, together with the pending amendments by Senators Grant, Ridder and Morrison, was made a special order of business for 2:00 p.m. today.

THIRD READING

SUBSTITUTE HOUSE BILL NO. 389, by Committee on Labor (originally sponsored by Representatives Charnley, Newhouse and King):

Exempting certain nongovernmental educational institutions from certain provisions of the unemployment compensation law.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 389.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 389, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 2; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. “Bob”), Marsh, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—45.

Absent or not voting: Senators Bottiger, Mardesich—2.

Excused: Senators Keefe, Matson—2.

SUBSTITUTE HOUSE BILL NO. 389, having received the 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

ENGROSSED HOUSE BILL NO. 587, by Representatives Ceccarelli, Berentson, Perry, Chatalas and Leckenby:

Providing for creation of West Seattle access development commission.

REPORT OF STANDING COMMITTEE

April 23, 1975.

ENGROSSED HOUSE BILL NO. 587, providing for creation of West Seattle access development commission (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass with the following amendments:

Beginning on page 1 of the engrossed and printed bill strike all of sections 1, 2, 3, 4 and 5 and insert:

NEW SECTION. Section 1. The legislature hereby recognizes that the transportation corridor in the vicinity of West Seattle is one of the most heavily travelled areas in the state of Washington; and that improved transportation and access facilities are vital to West Seattle and the future industrial and maritime development of the lower Duwamish waterway; and that the legislature recognizes the need to coordinate the funding and planning of such an addition to our state's transportation system.

NEW SECTION. Sec. 2. The senate and house standing committees on transportation and utilities shall undertake a review of previous plans, designs, studies, proposals, hearings, and any manner of pertinent information concerning the West Seattle access development project, major arterials in the South Seattle state route number 509 corridor, other major city and county arterials in the West Seattle area extending southward, including crossings of the Duwamish river in this vicinity. Such review shall commence no later than July 1, 1975, and the committees, in concert with persons, jurisdictions, and agencies affected by the future development of the project shall make such recommendations for the future disposition of the project as are deemed economically feasible. The committees shall report their recommendations to the legislature at the next regular or extraordinary session which convenes after January 1, 1976. For the purposes of carrying out the study, there is appropriated to the senate and house transportation and utilities committees from the motor vehicle fund the sum of fifty thousand dollars, or so much thereof as may be necessary.

NEW SECTION. Sec. 3. Urban arterial trust funds initially authorized by the state urban arterial board in the 1967-69 biennium for specific projects in cities over 300,000 population, as last determined by the office of program planning and fiscal management, shall remain obligated to such projects for the period through June 30, 1977 unless such project is earlier withdrawn or abandoned by the sponsoring city. This continued obligation of urban arterial trust funds shall be terminated for any project if the sponsoring city earlier provides written notice of withdrawal or abandonment of the project to the urban arterial board or if the city acts to expend any other funds, exclusive of the required matching funds, which have heretofore been allocated or set aside to pay a part of the costs of such project.

After the effective date of this 1975 amendatory act, no additional urban arterial trust funds shall be expended for conceptual or feasibility studies of any project initially authorized prior to June 30, 1969 in a city of over 300,000 population, but such limitation shall not apply to the cost of preparing final plans, specifications and estimates or other contract documents required to advertise the project for competitive bids for its construction."

Renumber the remaining section accordingly.

On page 1, beginning on line 1, after the semicolon strike all of the material down to and including "(uncodified)" on line 2 and insert "creating new sections".

Signed by: Senators Walgren, Chairman; Henry, Vice Chairman; Bluechel, Bot-tiger, Knoblauch, Lewis (R. H. "Bob"), Morrison, Sellar, Wanamaker.

The bill was read the second time by sections.

Senator Walgren moved adoption of the committee amendment.

Senator Buffington moved adoption of the following amendment to the committee amendment:

On line 13, of new section 2 of the committee amendment, beginning with "persons" strike all the material through "project" on line 1, page 2 of the amendment, and insert "the chief executive officer of the department of highways and representatives from the Port of Seattle, the department of commerce and economic development, the municipality of metropolitan Seattle, and the office of the mayor of the city of Seattle".

POINT OF INQUIRY

Senator Guess: "Would Senator Buffington yield? Senator Buffington, I thought that the committee cut out the Seattle Access Development Commission. Does this reinstate the Seattle Access Development Commission?"

Senator Buffington: "No, it is just an advisory. This sets out the precise individuals with whom the House and Senate Transportation Committee will consult during the interim. It still maintains the original control from the committee amendment."

MOTION

Senator Walgren moved that Engrossed House Bill No. 587, together with the committee amendments and the amendment to the amendment by Senator Buffington, be placed on the second reading calendar for Wednesday, May 14, 1975.

Debate ensued.

The motion by Senator Walgren carried. Engrossed House Bill No. 587 was ordered to hold its place on the second reading calendar for Wednesday, May 14, 1975.

SECOND READING

SENATE BILL NO. 2485, by Senators Walgren and Lewis (Harry):
Authorizing a pilot project on bicycle registration.

MOTIONS

On motion of Senator Walgren, Substitute Senate Bill No. 2485 was substituted for Senate Bill No. 2485, and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Walgren, the rules were suspended, Substitute Senate Bill No. 2485 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 Odegaard: "Would Senator Lewis yield? Senator Lewis, as I take it then, all bicycles no matter what size, shape or form in Thurston County will have to be registered under this act for a three dollar fee? Up to three dollars?"

Senator Lewis (Harry): "The three dollars does not have to be levied, as I understand it, but whatever portion up to three dollars that is necessary to comply with the pilot project program."

Senator Odegaard: "Senator Lewis, will there be some kind of a license that will have to be applied to the bicycle?"

Senator Lewis (Harry): "Yes, there will. There will be a license and an inspection, I suppose, in the process for safety. What they are really trying to determine, we do not know the number of bicycles in Thurston County accurately or in the state or their usage. We have to determine the number, and how they are used, the safety, the interaction with motor vehicles, potential need for trails and so forth."

Senator Odegaard: "And then if they do not register, what kind of a penalty is there in the bill?"

Senator Lewis (Harry): "I am not aware of any penalty at all in the bill or I would not be supporting it."

POINT OF INQUIRY

Senator Rasmussen: "Will Senator Walgren yield to a question? Senator Walgren, is it not a misdemeanor if you violate a state law?"

Senator Walgren: "It is specified as such, yes."

Senator Rasmussen: "It is automatic, isn't it?"

Senator Walgren: "No, I should say not."

Senator Rasmussen: "I think that it is an automatic when you violate a state law. However, that was not the particular question. Would anything in this bill provide that the state must use bicycles between offices here in Olympia?"

Senator Walgren: "No, but I would suspect that that might very well be a result that could come from this bill, Senator Rasmussen. That is one of the reasons why we thought that Thurston County would be an appropriate place to have this registration plan because of its, of course, close proximity to the state offices and the nice weather that they have down here traditionally in Thurston County, and it may very well be that as a result of this study there will be some thought that state employees would have to start riding bicycles to work."

Senator Rasmussen: "Could you tell me one thing further, Senator? What was this committee that you talked about that developed this bill?"

Senator Walgren: "This was the Bicycle Citizens Advisory Committee composed of a number of people throughout the state of Washington, representing citizens who utilize bicycles, both for recreation and for transportation, and also composed of various representatives of the state agencies and local agencies. It was appointed as a result of a Senate resolution adopted here, I think, two sessions ago."

Senator Rasmussen: "I remember that. The Transportation Committee, I think, originated that to get away from spending too much highway funds on the bicycle trails."

Senator Walgren: "Yes."

Senator Rasmussen: "Thank you, Senator."

Debate ensued.

POINT OF INQUIRY

Senator Herr: "Will Senator Lewis yield to a question? Did I hear you correct now? This is just for Thurston County?"

Senator Lewis (Harry): "Yes."

Senator Herr: "And it is a pilot program, but I would like to just say that I am from King County and I would kind of have to agree with Senator Rasmussen, but as long as it is your county only, I feel I can support the bill."

Senator Lewis (Harry): "Thank you, Senator."

POINT OF INQUIRY

Senator Fleming: "Would Senator Lewis yield to a question? Senator Lewis, would you object to a little amendment adding horses on here?"

Senator Lewis (Harry): "Senator, I really would not object to a little amendment adding Kitsap."

POINT OF INQUIRY

Senator Day: "Would Senator Walgren yield? Not a facetious question, Senator. What about the young boy who does not have too much, but has an old bike? Now it is worth ten dollars. Is he going to be charged three bucks for an annual fee to ride that bike, whether he uses these trails or not?"

Senator Walgren: "Senator Day, one of the things that we want to try and determine from this registration program is just exactly what kind of criteria we ought to set out as far as registering, and obviously there are going to be situations such as you point out that could be difficult situations. Now I suspect that the law probably applies in that particular situation, but I think if we find that there are inequities, that there are problems as far as registration, then I would expect that that would be one of the things that would come back to us. I should note that this bill, Senate Bill No. 2485, was originally

conceived as the alternative to the statewide bicycle registration bill which is still in committee. That was going to be a total statewide registration. We thought we ought to have it in one county that we could test it out, so some of these questions will be answered."

Senator Day: "What about age limits? It does not make any difference how old the bicycle owner is?"

Senator Walgren: "No."

Further debate ensued.

MOTION

Senator Day moved the rules be suspended and Substitute Senate Bill No. 2485 be returned to second reading.

Debate ensued.

The motion by Senator Day failed.

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2485, and the bill failed to pass the Senate by the following vote: Yeas, 22; nays, 24; absent or not voting, 2; excused, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Francis, Goltz, Gould, Grant, Guess, Jolly, Knoblauch, Lewis (Harry), McDermott, Murray, North, Ridder, Sandison, Talley, Walgren, Wanamaker—22.

Voting nay: Senators Clarke, Cunningham, Day, Fleming, Henry, Herr, Jones, Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Morrison, Odegaard, Peterson, Pullen, Rasmussen, Scott, Sellar, Stortini, Van Hollebeke, von Reichbauer, Washington, Wilson, Woody—24.

Absent or not voting: Senators Donohue, Newschwander—2.

Excused: Senator Keefe—1.

SUBSTITUTE SENATE BILL NO. 2485, having failed to receive the constitutional majority, was declared lost.

PARLIAMENTARY INQUIRY

Senator Washington: "It is my understanding that you can give the notice of reconsideration at any time, on the final passage of the bill, at any time during the day. It is only on an amendment that you are tied with intervening business?"

REPLY BY THE PRESIDENT

The President: "Yes, Senator Washington."

MOTION

At 12:00 noon, on motion of Senator Mardesich, the Senate recessed until 2:00 p.m.

AFTERNOON SESSION

The President called the Senate to order at 2:00 p.m.

MOTIONS

On motion of Senator Knoblauch, Senator Sandison was excused.

On motion of Senator Ridder, Engrossed Substitute House Bill No. 32, the special order of business for 2:00 p.m., was held for consideration following Senate Bill No. 2342.

SECOND READING

SENATE BILL NO. 2342, by Senators Rasmussen, Henry and Wanamaker (by State Auditor request):

Requiring state auditor to audit municipal associations.

The bill was read the second time by sections.

MOTIONS

On motion of Senator Knoblauch, Senators Donohue and Walgren were excused.

On motion of Senator Rasmussen, the rules were suspended, Senate Bill No. 2342 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Lewis (R. H. "Bob"): "Will Senator Rasmussen yield? Would you explain for me please, Senator Rasmussen, for some reason other than just the fact that the State Auditor requested it, what purpose this bill might serve? I really wonder why he requested it. Have there been some problems or something? I really wonder if we are just passing a law here for harassment or whether there is some legitimate reason for us to be passing this bill."

Senator Rasmussen: "No. It requires the same thing of all governmental agencies — that they be audited — and some of those, because of an Attorney General's opinion, they have not been able to audit them and there was a lot of objection to them being audited, to being subject to audit, but when the ruling was made that they could keep their funds separate, then they have no objection. So there is no harassment."

Senator Lewis (R. H. "Bob"): "You mean the Association of Washington Cities and the Association of Washington Counties would be included in this audit program, is that correct?"

Senator Rasmussen: "That is correct, yes."

Senator Lewis (R. H. "Bob"): "And you say they have no objections to this now that it has been permitted for them to keep their funds separate. Is that correct?"

Senator Rasmussen: "It is my understanding, unless you have heard something different. Senator Lewis, I might explain. The Association of Washington Cities, of course, has personal service contracts. We had discussion here on the floor the other day with Senator Fleming. They receive some seven hundred and fifty thousand dollars from motor vehicle funds, but they then make a personal service contract through Washington Cities Institute, or something like that. I forget what the name is, but they also, in addition, have separate funds that come in from various associate members and that is what you might call their partying fund. If they want to buy booze or anything else with that, that is their privilege, and I know that the cities ordinarily do not engage in booze parties, but the public funds that come in, the purpose is to have those audited. The other funds we have no interest in if they are private or social funds."

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 2342, and the bill passed the Senate by the following vote: Yeas, 44; nays, 1; excused, 5.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Wilson, Woody—44.

Voting nay: Senator Lewis (R. H. "Bob")—1.

Excused: Senators Donohue, Keefe, Newschwander, Sandison, Walgren—5.

SENATE BILL NO. 2342, having received the 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 Mardesich, the Senate commenced consideration of Senate Bill No. 2501.

SECOND READING

SENATE BILL NO. 2501, by Senators Rasmussen, Wanamaker and Donohue (by State Auditor request):

Permitting departmental post-audits at reasonable intervals.

The bill was read the second time by sections.

On motion of Senator Rasmussen, the rules were suspended, Senate Bill No. 2501 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. 2501, and the bill passed the Senate by the following vote: Yeas, 45; excused, 4.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Wilson, Woody—45.

Excused: Senators Keefe, Newschwander, Sandison, Walgren—4.

SENATE BILL NO. 2501, having received the 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 2:20 p.m., on motion of Senator Mardesich, the Senate recessed until 3:55 p.m.

SECOND AFTERNOON SESSION

The President called the Senate to order at 3:55 p.m.

SPECIAL ORDER OF BUSINESS

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 32, by Committee on Labor (originally sponsored by Representatives Parker and Adams):

Conforming state minimum wage laws to federal laws.

The time having arrived, the Senate resumed consideration of Engrossed Substitute House Bill No. 32, as amended, and the amendments by Senators Grant, Morrison and Ridder moved for adoption earlier today.

POINT OF INQUIRY

Senator Guess: "Will Senator Grant yield? Senator Grant, 'the notification shall be done in the quarterly notice to employers.' I am not aware that they give any notice to any employers. Can you describe what kind of a journal they will use to do that?"

Senator Grant: "For one thing, the Employment Security Department notifies them of their taxes due on a quarterly basis. The Department of Labor and Industries notifies employers of their taxes due under workmen's compensation, too. There are regular quarterly reports by both departments to all employers in the state of Washington, Senator Guess."

Senator Guess: "It is normally up to the employer, once he has established his account with the Department of Labor and Industries, to automatically send that in, is my memory of it."

Senator Grant: "My recollection is that they are sent out quarterly to every em-

ployer in the state of Washington. Of course, that is a different section, Senator Guess, and I certainly will make every effort in the event that that is not a requirement to see to it that the requirement of notice to employers is given."

The motion by Senator Morrison carried and the amendments were adopted.

Senator Morrison moved that the following amendments be considered and adopted simultaneously:

On page 3, section 2, lines 27-28 strike "*and ten cents*" and on line 28 strike "1976" and insert "1977".

On page 4, section 2, line 2 strike "*twenty*" and insert "*ten*" and on line 3 strike "*thirty*" and insert "*twenty*" and on line 4 after "*hour*" insert "*and beginning the calendar year 1978 at a rate of not less than two dollars and thirty cents an hour*".

On page 4, section 2, line 8 after "*dollars*" strike "*and ten cents*".

On page 4, section 2, line 9 strike "*twenty*" and insert "*ten*" and on line 11 strike "*thirty*" and insert "*twenty*" and on line 11 after "*hour*" insert "*and beginning the calendar year 1978 at a rate of not less than two dollars and thirty cents an hour*".

On page 4, section 2, line 15 after "*dollars*" strike "*and ten cents*" and on line 17 strike "*twenty*" and insert "*ten*" and on line 18 strike "*thirty*" and insert "*twenty*" and on line 18 after "*hour*" insert "*, and beginning the calendar year 1978 at a rate of not less than two dollars and thirty cents an hour*".

On page 4, section 2, line 27 strike "*twenty*" and insert "*ten*" and on line 29 strike "*thirty*" and insert "*twenty*" and on line 29 after "*hour*" insert "*, and beginning the calendar year 1978, at a rate of not less than two dollars and thirty cents an hour*".

On page 5, section 3, line 11 strike "*eighty*" and insert "*sixty*" and on line 12 strike "*two dollars*" and insert "*one dollar and eighty cents*" and on line 14 strike "*and twenty cents*" and on line 15 strike "*thirty*" and insert "*twenty*" and on line 15 after "*hour*" insert "*, and beginning calendar year 1979 at a rate of not less than two dollars and thirty cents an hour*".

PARLIAMENTARY INQUIRY

Senator Ridder: "My understanding is that on page 4, section 2, line 8, where Senator Morrison has proposed his third amendment, that that is the committee amendment. Parliamentary Inquiry as to the propriety of that. Where it strikes ten cents."

REPLY BY THE PRESIDENT

The President: "Senator Ridder, do you wish to speak on your point?"

Senator Ridder: "Yes. Simply that the committee amendment which we have adopted refers to page 4, section 2, line 8, after '*dollars*' strike '*and ten cents*' which is in the third grouping that Senator Morrison has here and it is my understanding that once having been adopted we cannot go back and rescind that as a part of the action in the total billing like this."

REPLY BY THE PRESIDENT

The President: "Senator Ridder, Senator Morrison, the President believes that Senator Ridder's remarks are well taken, inasmuch as a committee amendment has already been adopted."

POINT OF ORDER

Senator Grant: "Mr. President, I raise the point of order on two of Senator Morrison's amendments; the one on line 8 which was the committee amendment, and the one on line 15 which was the amendment that I proposed that was already adopted by the Senate in that Senator Morrison's amendments to those particular lines negate the action that has already been taken by the body, and I would refer you to Reed's Rule No. 136, 'If the amendment is decided in the affirmative, then the words inserted cannot in any event be stricken out except with other words and then only when with other words they constitute a new proposition.' This is not a new proposition. It returns the minimum wage to the rate that was previously in the bill and that question has already been decided in the affirmative by the Senate."

Debate ensued.

RULING BY THE PRESIDENT

The President: "The President, in ruling upon the point of order as presented by Senator Grant, finds that Senator Grant's remarks are well taken as Senator Grant indicated by reading that portion of Rule 136 that applies. The President suggests to you, Senator Morrison, that if you are to achieve your objective, it would be necessary for the Senate to reconsider the vote by which those two particular amendments were adopted."

Senator Morrison: "Mr. President, I am not sure how to proceed. I think we have ourselves in a slight box as far as the effective date of this particular act is concerned, and while I realize there would be unhappiness to hold this over, I would suggest — if there is some way, Senator Lewis — that we attempt to do that so that the Senate may properly consider this particular question."

REMARKS BY THE PRESIDENT

The President: "The President would suggest that you move that the Senate consider all of the amendments simultaneously, with the exception of the two that were included in Senator Grant's Point of Order."

The amendments by Senator Morrison to page 4, lines 8 and 15, were ruled out of order.

Senator Morrison moved that the amendments, other than those ruled out of order, be considered and adopted simultaneously.

Debate ensued.

Senator Bailey demanded a roll call and the demand was sustained by Senators Fleming, Ridder, Grant, Knoblauch, Van Hollebeke, Goltz, Scott, Clarke and Wilson.

MOTION

On motion of Senator Lewis (R. H. "Bob"), Senator Buffington was excused.

The President declared the question before the Senate to be the roll call on adoption of the amendments by Senator Morrison, excluding those amendments to page 4, lines 8 and 15, which were ruled out of order.

ROLL CALL

The Secretary called the roll and the amendments were not adopted by the following vote: Yeas, 18; nays, 28; excused, 3.

Voting yea: Senators Benitz, Bluechel, Clarke, Cunningham, Gould, Guess, Jones, Lewis (Harry), Lewis (R. H. "Bob"), Matson, Morrison, Murray, Newschwander, North, Pullen, Scott, Sellar, Wanamaker—18.

Voting nay: Senators Bailey, Beck, Bottiger, Day, Donohue, Fleming, Francis, Goltz, Grant, Henry, Herr, Jolly, Knoblauch, Mardesich, Marsh, McDermott, Odegaard, Peterson, Rasmussen, Ridder, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Woody—28.

Excused: Senators Buffington, Keefe, Sandison—3.

Senator Morrison moved adoption of the following amendment:

On page 5, line 31, after "amended" insert "*and the provision of this subsection shall not apply to employees who request compensating time off in lieu of overtime pay*".

Senator Grant moved adoption of the following amendment to the amendment by Senator Morrison:

In the last line of the amendment by Senator Morrison, after "off" and before "in" insert "at the rate of one and one-half hour for each hour worked".

POINT OF INQUIRY

Senator Lewis (Harry): "Would Senator Bottiger yield to a question? Senator Woody or Senator Marsh. I have a serious question on the contracts that we worked out for legislative employees, and under Senator Grant's amendment and without Senator Morrison's amendment, unamended by Senator Grant, it appears to me that we would be changing the intent of the legislative agreement with its own employees. Can you tell

me what the impact of Senator Grant's amendment to Senator Morrison's amendment would be as it would affect legislative employees and the contracts we have with them?"

Senator Bottiger: "Senator Lewis, there is an old rule that lawyers have, and do not ask a question unless you know what the answer is going to be. The answer is, I do not think that Senator Grant's amendment would affect it. As I recall the contract, it simply provided for compensatory time off and did not say how much, so I do not know that his amendment would violate the agreement we had with the employees. The failure to adopt an amendment, I think, violates the agreement we have with the employees, and I sure know it violates the agreement I have with my secretary back in my law office."

The motion by Senator Grant failed and the amendment to the amendment by Senator Morrison was not adopted.

The motion by Senator Morrison carried and the amendment was adopted on a rising vote.

Senator Morrison moved adoption of the following amendment:

On page 6, line 26, after "consumption" insert ": PROVIDED FURTHER, That this section shall not apply in the event that a federal law exists which regulates the work hours or work week of an industry, business or any employee or group of employees".

POINT OF INQUIRY

Senator Grant: "Would Senator Morrison yield? Senator Morrison, you have indicated that there are many examples of this effect of treatment. Could you give me a couple of those examples?"

Senator Morrison: "I am sorry, Senator Grant, but the Labor Committee attorney picked up the book that I had. All I have is the sheet that indicates that overtime exemptions were gained under the 1974 Minimum Wage Laws at the federal level for boat dealers, conglomerates, house parents for orphans, policemen and firemen, tobacco auctions, sugar processing, and about fifteen or twenty other provisions that provide something different than what we are providing in this state act. All the amendment says is, where there already is federal preemption in those fields and they treat them differently than we do, that our forty hour requirement will not apply."

Senator Grant: "I did not understand your response, Senator Morrison. Are you saying that the federal act treats those groups of employers and employees that you have specified differently or are you saying that those employers and employees that you have mentioned are now covered under the federal act? Which is the situation?"

Senator Morrison: "The situation is that the federal act treats certain groups differently. In fact, in most cases the items that I have mentioned. There are a number of others that I have not mentioned that are treated differently. In most cases, Senator Grant, I find that the federal government is eager to work toward a forty hour work week, but they recognize the seasonality of many of these industries and they provide provisions that are in conflict with House Bill No. 32 that is in front of us, and I am just saying that we should not force a hardship on those industries in this state when in fact it has been a determination by the federal government that they should be treated differently in our march toward whatever it is we are moving toward in the forty hour work week."

Senator Grant: "Mr. President, I would like to have a little better explanation. I saw the attorney over there on your side a little bit ago. Maybe you could go out and get a response from him if he is still around as to what different treatment is given under the federal act. Do they have forty-eight hours a week? Fifty-two? In those areas. That is what we are talking about, a forty hour week."

POINT OF INQUIRY

Senator Morrison: "Will Senator Grant yield to a question? Senator Grant, is it your intent that these quarterly notices be sent out before the effective date of this act?"

Senator Grant: "The act no longer has an emergency clause and, yes, I would expect them to be sent out before the effective date."

Senator Morrison: "Thank you."

MOTION

Senator Morrison moved that Engrossed Substitute House Bill No. 32 be held on the second reading calendar for Wednesday, May 14, 1975.

Debate ensued.

MOTION

At 4:45 p.m., on motion of Senator Grant, the Senate was declared to be at ease.

The President called the Senate to order at 4:50 p.m.

The Senate resumed consideration of Engrossed Substitute House Bill No. 32 on second reading.

There being no objection, the motion by Senator Morrison was withdrawn.

The President declared the question before the Senate to be adoption of the amendment by Senator Morrison to page 6, line 26.

The motion by Senator Morrison carried and the amendment was adopted.

On motion of Senator Newschwander, the following amendment was adopted:

On page 6, beginning on line 27, strike section 4.

Senator Morrison moved adoption of the following amendment:

On page 5, line 31, after "amended" insert ", nor shall they apply in the event that there exists between an employer and employee or group of employees an agreement in which provisions are made relating to work week and hours".

Debate ensued.

The motion by Senator Morrison failed and the amendment was not adopted on a rising vote.

Senator Morrison moved adoption of the following amendment:

On page 5, beginning on line 23, strike all of new section 3 and renumber the following sections accordingly.

Debate ensued.

The motion by Senator Morrison failed and the amendment was not adopted.

Senator Grant moved adoption of the following amendment:

On page 6, beginning on line 27, insert a new section 4 as follows:

"*NEW SECTION.* Sec. 4. The director of the department of labor and industries and the commissioner of employment security shall each notify employers of the requirements of this act through their regular quarterly notices to employers.

The motion by Senator Grant carried and the amendment was adopted.

On motion of Senator Newschwander, the following amendment to the title was adopted:

On page 1, line 6 of the title, strike "; and declaring an emergency".

On motion of Senator Mardesich, Engrossed Substitute House Bill No. 32 was held for further consideration on second reading following Senate Bill No. 2938.

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, Senator Washington moved that the Senate immediately reconsider the vote by which Substitute Senate Bill No. 2485 failed to pass the Senate.

The motion for reconsideration carried.

MOTIONS

On motion of Senator Washington, the rules were suspended and Substitute Senate Bill No. 2485 was returned to second reading.

On motion of Senator Washington, Substitute Senate Bill No. 2485 was ordered placed at the beginning of the second reading calendar for Wednesday, May 14, 1975.

SECOND READING

SENATE BILL NO. 2938, by Senators Lewis (Harry), Morrison, Sellar, Guess, Grant, Peterson, Ridder and Matson:

Requiring the director of the department of labor and industries to establish industrial health and safety programs for employers.

MOTIONS

On motion of Senator Lewis (Harry), Substitute Senate Bill No. 2938 was substituted for Senate Bill No. 2938, and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Lewis (Harry), the rules were suspended, Substitute Senate Bill No. 2938 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. 2938, and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 2; excused, 3.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Wilson, Woody—44.

Absent or not voting: Senators Newschwander, Washington—2.

Excused: Senators Buffington, Keefe, Sandison—3.

SUBSTITUTE SENATE BILL NO. 2938, having received the 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, Substitute Senate Bill No. 2938 was ordered immediately transmitted to the House.

SECOND READING

SENATE BILL NO. 2359, by Senators Rasmussen, Donohue and Morrison:

Designating membership of state committee on salaries, its duties, and fixing maximum salaries of certain appointees and statutory assistant directors.

REPORT OF STANDING COMMITTEE

February 14, 1975.

SENATE BILL NO. 2359, designating membership of state committee on salaries, its duties, and fixing maximum salaries of certain appointees and statutory assistant directors (reported by Committee on State Government):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, line 27, before "not" strike "legislative council" and insert "[legislative council] *president of the senate and the speaker of the house*".

On page 2, line 31, after "for" strike all of the material down to and including the period on line 33 and insert "*per diem and transportation as provided in RCW 43.03.050 and RCW 43.03.060, as presently existing or hereafter amended.*"

Signed by: Senators Rasmussen, Chairman; Buffington, Day, Henry, Knoblauch, Wanamaker.

The bill was read the second time by sections.

On motion of Senator Rasmussen, the committee amendments were adopted.

On motion of Senator Rasmussen, the rules were suspended, Engrossed Senate Bill No. 2359 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. 2359, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Clarke, Cun-

ningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—46.

Excused: Senators Buffington, Keefe, Sandison—3.

ENGROSSED SENATE BILL NO. 2359, having received the 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 Mardesich, the Senate commenced consideration of Senate Bill No. 2840.

SECOND READING

SENATE BILL NO. 2840, by Senator Francis:
Relating to sentencing.

REPORT OF STANDING COMMITTEE

May 6, 1975.

SENATE BILL NO. 2840, relating to sentencing (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendments:

Strike all material after the enacting clause and insert the following:

"Section 1. Section 4, chapter 14, Laws of 1975 1st ex. sess. and RCW _____ 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 felony, and shall be punished by imprisonment in the state penitentiary for a term of not less than twenty years. 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 as a result of any type of automatic good time calculation *during the first three years of confinement* 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*."

In line 2 of the title, after "offenses" and before the period insert "; amending section 4, chapter 14, Laws of 1975 1st ex. sess. and RCW _____; defining crimes; and prescribing penalties".

Signed by: Senators Francis, Chairman; Bottiger, Buffington, Clarke, Fleming, Jones.

The bill was read the second time by sections.

Senator Pullen moved adoption of the committee amendment.

On motion of Senator Pullen, the following amendment to the committee amendment was adopted:

On page 1, line 33, after "calculation" strike "*during the first three years of confinement*" and on line 37 after "person" insert "*during the first three years of confinement*".

The motion by Senator Pullen carried and the committee amendment, as amended, was adopted.

On motion of Senator Pullen, the committee amendment to the title was adopted.

On motion of Senator Pullen, the rules were suspended, Engrossed Senate Bill No. 2840 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. 2840, and the bill passed the Senate by the following vote: Yeas, 46; excused, 3.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—46.

Excused: Senators Buffington, Keefe, Sandison—3.

ENGROSSED SENATE BILL NO. 2840, having received the 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. 2394, by Senators Peterson, Lewis (Harry) and Rasmussen:

Authorizing department of natural resources to acquire property for access to state owned or managed lands.

MOTIONS

On motion of Senator Peterson, Substitute Senate Bill No. 2394 was substituted for Senate Bill No. 2394, and the substitute bill was placed on second reading and read the second time in full.

Senator Morrison moved adoption of the following amendment by Senators Benitz and Morrison:

On page 1, line 10, after "forest" strike ", grazing or agricultural".

Debate ensued.

POINT OF INQUIRY

Senator Washington: "A question of Senator Benitz. What is the problem involved? It seems to me that grazing land or at least agricultural land, if it does not have access, should have access. What is the answer to that and what problems do we cause by causing proper access to state land?"

Senator Benitz: "In several categories that you could. One, if you have grazing land which could be state land under lease and that is a valuable lease; it is valuable to you and valuable to the state of Washington, and if it is protected in some cases by private property, and the right of eminent domain opens that up to where you not only would have to build a fence that would become of little or no value to you for grazing land if you suddenly find it open for public recreation."

Senator Washington: "But if we do not do that, we are holding down the value of state lands, and by eminent domain, of course, you would be paid for the land and you would also be paid for whatever other damages which you would have — severance damage — and you would have to put up a fence on it. I have problems seeing the necessity for keeping state lands isolated."

Senator Benitz: "I think the reverse would be true, Senator Washington, saying that you would destroy or you would not increase the value, would destroy the value, you could well destroy the value of a state lease."

Further debate ensued.

The motion by Senator Morrison failed and the amendment was not adopted.

On motion of Senator Peterson, the rules were suspended, Substitute Senate Bill No. 2394 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. 2394, and the bill passed the Senate by the following vote: Yeas, 30; nays, 16, excused, 3.

Voting yea: Senators Bailey, Beck, Bluechel, Bottiger, Clarke, Cunningham, Day, Fleming, Francis, Goltz, Gould, Grant, Henry, Herr, Jones, Knoblauch, Lewis (Harry), Mardesich, Marsh, McDermott, Murray, North, Peterson, Rasmussen, Ridder, Scott, Stortini, Talley, Walgren, Washington—30.

Voting nay: Senators Benitz, Donohue, Guess, Jolly, Lewis (R. H. "Bob"), Matson, Morrison, Newschwander, Odegaard, Pullen, Sellar, Van Hollebeke, von Reichbauer, Wanamaker, Wilson, Woody—16.

Excused: Senators Buffington, Keefe, Sandison—3.

SUBSTITUTE SENATE BILL NO. 2394, having received the 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 Mardesich, the Senate commenced consideration of Senate Bill No. 2895.

SECOND READING

SENATE BILL NO. 2895, by Senators Day, Jones and Ridder:
Amending law relating to blind vendors in public buildings.

REPORT OF STANDING COMMITTEE

April 9, 1975.

SENATE BILL NO. 2895, amending law relating to blind vendors in public buildings (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, beginning on line 11, strike all of section 1, subsection (2) and insert a new subsection as follows:

"(2) "Blind person" means a person whose central visual acuity does not exceed 20 /200, in the better eye with correcting lenses or whose visual acuity, if better than 20 /200, is accompanied by a limit to the field of vision in the better eye to such a degree that its widest diameter subtends an angle of no greater than twenty degrees. In determining whether an individual is blind there shall be an examination by a physician skilled in diseases of the eye, or by an optometrist, whichever the individual shall select."

On page 1, line 22, after "building" and before the period insert "and designated by the department as being appropriate for inclusion in the business enterprises program: PROVIDED, HOWEVER, That any vending facility or vending machine under the jurisdiction and control of another established state board or authority responsible for its maintenance and operation shall be so designated without the consent and approval of such state board or authority".

Signed by: Senators Day, Chairman; von Reichbauer, Vice Chairman; Buffington, Cunningham, Francis, Goltz, North, Ridder.

The bill was read the second time by sections.

On motion of Senator Day, the committee amendment to page 1, beginning on line 11, was adopted.

Senator Day moved adoption of the committee amendment to page 1, line 22.

POINT OF INQUIRY

Senator Goltz: "Would Senator day yield to a question? Senator Day, I have just

read the printed committee amendment in the book. It appears to me that a word is missing. The 'not' is missing from 'shall.'"

Senator Day: "In which amendment, Senator?"

Senator Goltz: "This is on page 1, line 22 after 'building' and before the period. It is the second amendment on that first sheet. I think the proviso should read, 'however, that any vending facility or vending machine under the jurisdiction and control of another established state board or authority responsible for its maintenance and operation shall not be so designated without the consent and approval of such state board or authority.'"

Senator Day: "I believe you are correct, Senator."

On motion of Senator Goltz, the following amendment to the committee amendment was adopted:

Amend the committee amendment to page 1, line 22 as follows:

On the third line of the amendment to page 1, line 22, after "operation shall" insert "not".

The motion by Senator Day carried and the committee amendment, as amended, was adopted.

On motion of Senator Day, the rules were suspended, Engrossed Senate Bill No. 2895 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Cunningham: "My concern with this is what we are doing to disabled veterans and I wonder if Senator Francis would yield to a question? Senator Francis, what is the impact of this in comparison to the blind jurors bill that we dealt with the other day?"

Senator Francis: "Senator Cunningham, it does not deal with blind jurors. Now, are you saying in effect that this is consistent or inconsistent with the thrust of the blind jurors bill? The bill on that subject was simply to give blind persons an opportunity to serve on juries and to be treated on an individual case by case basis rather than to run into an across the board exclusion from jury panels, so I would say that the thrust of the blind juror bill was to treat jurors equally with other potential jury panel members to give them equality."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2895, and the bill passed the Senate by the following vote: Yeas, 39; nays, 5; absent or not voting, 2; excused, 3.

Voting yea: Senators Bailey, Beck, Benitz, Bottiger, Clarke, Day, Donohue, Fleming, Francis, Goltz, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Odegaard, Peterson, Rasmussen, Ridder, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—39.

Voting nay: Senators Bluechel, Cunningham, Gould, North, Pullen—5.

Absent or not voting: Senators Lewis (Harry), Newschwander—2.

Excused: Senators Buffington, Keefe, Sandison—3.

ENGROSSED SENATE BILL NO. 2895, having received the 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 Mardesich, the Senate commenced consideration of Senate Bill No. 2863.

SECOND READING

SENATE BILL NO. 2863, by Senators Marsh, McDermott and Gould:

Compelling action by school boards to assure physical safety of pupils.

The bill was read the second time by sections.

Senator Gould moved adoption of the following amendment:

On page 1, line 13, after "guardian" and before "thereof" insert "having legal custody".

POINT OF INQUIRY

Senator Woody: "Would Senator Gould yield? Your reference in your amendment to legal custody, that applies not only to the term 'legal guardian' but also to the term 'parent'?"

Senator Gould: "I had not thought of it that way. Is it necessary?"

Senator Woody: "Yes."

Senator Gould: "Yes. I thought all parents had legal custody."

The motion by Senator Gould carried and the amendment was adopted.

On motion of Senator Stortini, the rules were suspended, Engrossed Senate Bill No. 2863 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 Bluechel: "Would Senator Marsh yield to a question, please? Senator Marsh, I am very much in sympathy with the bill, but I have a couple of questions here that are technical. What happens when a neighbor picks up a child and does not have authorization from the parent because the parent may be working or for some other reason is not available to give authorization to a neighbor?"

Senator Marsh: "There would be no effect as far as the law is concerned. There would be a violation of school rules but it certainly would not affect picking them up. The purpose of this bill is to give the teacher a right or a school the right to hold children when unauthorized people say they want to pick up a child. So if it were done without knowledge or consent, again, there is no criminal penalty but if a teacher or school is aware of this, then I think they would have the right to hold the child."

Senator Bluechel: "By passing this bill, and say that situation happened and let us go one step further — and there was an accident of some kind, would the school be liable?"

Senator Marsh: "No."

POINT OF INQUIRY

Senator Wilson: "Would Senator Marsh yield, please? Senator Marsh, if a child is injured during school hours and is going to be transported to a hospital by a person who has not been specifically authorized by a parent or legal guardian, would that person then be in violation of this act?"

Senator Marsh: "No. The usual procedure is, as I understand it, the nurse would normally phone home or the principal would normally phone home and find out who should do the transporting, but if there was no one available, certainly the rules and regulations that the board of school directors could adopt could provide for that type of situation."

Senator Wilson: "But does the law or the act permit the school board to adopt a policy which provides for any other form of permission except that given by the parent or legal guardian?"

Senator Marsh: "Yes."

Senator Wilson: "It seems to me the law says, in effect, that the district policy shall provide that no child will be removed from any school grounds except by a person so authorized by the parent or legal guardian and that the school board has no option but to provide for that as being the sole criteria with respect to the removal of a child during school hours."

Senator Marsh: "I would anticipate that the board of directors of a school district would provide for those emergency situations and would send out a notice to all the

parents saying that, "We have provided by rule and regulation that under emergency conditions your children may be transported and please designate the name of a neighbor, and if you do not designate, we are going to make other arrangements." I do not see anything in the law that prohibits the school board from taking action. It just says the school board shall adopt rules and regulations, and I am sure that they can work that particular problem."

POINT OF INQUIRY

Senator Cunningham: "Would Senator Marsh yield to another question? Senator Marsh, is it your intention that this authorization by the parent or legal guardian will be in writing?"

Senator Marsh: "No, it is not. I would assume that would be the usual situation, but it is not specifically provided that way and I did not have the intention one way or another. I simply wanted the school board to have rules and regulations, and whether or not the authorization has to be in writing could be set out in the rules and regulations. It would seem to me that if the school board said that a school principal should have some type of authorization on file when children are going to be removed, whether that be delivered verbally and a notation made of it in the school record or whether it be in writing, I think either way would be sufficient. I think it would be sufficient for a principal to say, 'Who do you authorize to take your children home in emergency situations?' and make a notation. I do not see that it has to be in writing."

POINT OF INQUIRY

Senator Cunningham: "Would Senator Clarke yield to a question? Senator Clarke, if the school has this verbal authorization by a legal guardian for a specific person to remove a child on file and the school releases the child to someone who could be the parent, say in the case of a separation, and the child is taken, can the school, in your opinion, be open to a liability?"

Senator Clarke: "Senator, that is a hard question to answer categorically. I would say that under normal circumstances and without this enactment, a school board is bound to in effect insure that reasonable precautions are taken that a minor child under their supervision during school hours will not be given to some unauthorized person. Now the effect of this statute, if enacted, I think mandates the school board to adopt rules and regulations and the fact that they are so mandated, I do think, could have an effect of increasing the probability of their liability in the event that they did not adopt rules and regulations at all."

Further debate ensued.

MOTION

On motion of Senator Marsh, Engrossed Senate Bill No. 2863 was ordered held on the third reading following consideration of Senate Bill No. 2689.

SECOND READING

SENATE BILL NO. 2689, by Senators Bailey, Murray and Sandison:
Regulating school-related photography services.

MOTIONS

On motion of Senator Stortini, Substitute Senate Bill No. 2689 was substituted for Senate Bill No. 2689, and the substitute bill was placed on second reading and read the second time in full.

On motion of Senator Stortini, the rules were suspended, Substitute Senate Bill No. 2689 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 Stortini, I thought when you were talking you indicated that the student would not have to use this photography service."

Senator Stortini: "It is purely a voluntary basis."

Senator Rasmussen: "It directs the State Board of Education to adopt rules governing the conditions under which the school district may contract. Do you have any idea what type of rules that they would be adopting?"

Senator Stortini: "Senator Rasmussen, for example, at your high school in the Twenty-ninth District, Mount Tahoma High School, if they decide to bid out to a local photographer, then on the whole the majority of the students in that school probably would use that photographer. In K through 11 they will line up in the auditorium and have their pictures taken. The seniors will go down to that photography shop some time prior to the deadline for pictures in the senior book, but they have freedom of choice. If that senior, for example, would rather go somewhere else on his own or her own, so shall it be, then."

Senator Rasmussen: "If they can get a better price, they can go any other place?"

Senator Stortini: "That is right."

Senator Rasmussen: "The second question, Senator Stortini. I asked you this question in the caucus. This contract, would this permit the students to get the negatives of their pictures at the time?"

Senator Stortini: "The contract is between the school and that contractor and if that is in the bid, then yes, they would be able to get those negatives."

Senator Rasmussen: "So the individual school district could write a contract and specify that the negatives would be the property of the student?"

Senator Stortini: "If that is part of the contract, that is right."

Senator Rasmussen: "Thank you, Senator Stortini."

ROLL CALL

The Secretary called the roll on the final passage of Substitute Senate Bill No. 2689, and the bill passed the Senate by the following vote: Yeas, 45; nays, 1; excused, 3.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Wilson, Woody—45.

Voting nay: Senator Walgren—1.

Excused: Senators Buffington, Keefe, Sandison—3.

SUBSTITUTE SENATE BILL NO. 2689, having received the 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. 2863, by Senators Marsh, McDermott and Gould:

Compelling action by school boards to assure physical safety of pupils.

Debate ensued.

The President declared the question before the Senate to be the roll call on Engrossed Senate Bill No. 2863.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2863, and the bill passed the Senate by the following vote: Yeas, 39; nays, 7; excused, 3.

Voting yea: Senators Bailey, Beck, Bluechel, Bottiger, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Knoblauch, Lewis (Harry), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Scott, Stortini, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Washington, Woody—39.

Voting nay: Senators Benitz, Jolly, Jones, Lewis (R. H. "Bob"), Sellar, Walgren, Wilson—7.

Excused: Senators Buffington, Keefe, Sandison—3.

ENGROSSED SENATE BILL NO. 2863, having received the 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

ENGROSSED SUBSTITUTE HOUSE BILL NO. 32, by Committee on Labor (originally sponsored by Representatives Parker and Adams):

Conforming state minimum wage laws to federal laws.

The Senate resumed consideration from earlier today of Engrossed Substitute House Bill No. 32, as amended.

Senator Donohue moved adoption and consideration of the following amendments by Senators Donohue and Morrison simultaneously:

On page 1, beginning on line 26, after "(a)" strike all the material down through and including "(b)" on line 14, and insert:

"Any individual employed (i) on a farm, in the employ of any person, in connection with the cultivation of the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and furbearing animals and wild-life, or in the employ of the owner or tenant or other operator of a farm in connection with the operation, management, conservation, improvement, or maintenance of such farm and its tools and equipment; or (ii) in packing, packaging, grading, storing or delivering to storage, or to market or to a carrier for transportation to market, any agricultural or horticultural commodity; and the exclusions from the term "employee" provided in this item shall not be deemed applicable with respect to commercial canning, commercial freezing, or any other commercial processing, or with respect to services performed in connection with the cultivation, raising, harvesting, and processing of oysters or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption;

(b)"

Restore original subsection letters consecutively.

On page 4, beginning on line 30, strike all the material down through line 15 of page 5.

Debate ensued.

The motion by Senator Donohue carried and the amendments were adopted on a rising vote.

On motion of Senator Ridder, the rules were suspended, Engrossed Substitute House Bill No. 32, 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 Goltz: "Would Senator Ridder yield to a question? Senator Ridder, on page 4, line 35, and on page 6, line 15, the word 'wild life' appears and I wonder if, in the definition as you understand it in this bill, that that includes fish?"

Senator Ridder: "Yes."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 32, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 29; nays, 17; excused, 3.

Voting yea: Senators Bailey, Beck, Bottiger, Day, Donohue, Fleming, Francis, Goltz, Grant, Henry, Herr, Jolly, Knoblauch, Mardesich, Marsh, McDermott, Ode-

gaard, Peterson, Rasmussen, Ridder, Scott, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Woody—29.

Voting nay: Senators Benitz, Bluechel, Clarke, Cunningham, Gould, Guess, Jones, Lewis (Harry), Lewis (R. H. "Bob"), Matson, Morrison, Murray, Newschwander, North, Pullen, Sellar, Wanamaker—17.

Excused: Senators Buffington, Keefe, Sandison—3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 32, 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 FOR RECONSIDERATION

Having voted on the prevailing side, Senator Mardesich moved that the Senate reconsider the vote by which Engrossed Substitute House Bill No. 32, as amended by the Senate, passed the Senate.

The motion for reconsideration was held for Wednesday, May 14, 1975.

MOTION

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

MOTION FOR RECONSIDERATION

Having voted on the prevailing side, and prior notice having been given, Senator Scott moved that the Senate reconsider the vote by which House Bill No. 307 failed to pass the Senate.

Debate ensued.

POINT OF INQUIRY

Senator Knoblauch: "Would Senator Scott yield to a question? Senator Scott, I have two amendments there, one marked 'revised'. The revised one mentions just the University of Washington. The other one mentions any college, university and so forth."

Senator Scott: "Senator, that was originally agreed to, but obviously it cannot be done for the same reason that my first set of amendments which the President ruled out of order on Friday were not possible; namely, that if we deal with the other institutions as that amendment does, prohibiting liquor but permitting one-day banquet licenses, then we broaden the scope of the bill which — the title has the University of Washington alone on it."

The motion for reconsideration by Senator Scott carried.

MOTIONS

On motion of Senator Scott, the rules were suspended and House Bill No. 307 was returned to second reading.

On motion of Senator Scott, the following amendment by Senators Scott, Francis and Gould was adopted:

On page 1, line 7, strike the words "*NEW SECTION.*" and on line 10, after "each" strike the balance of the section and insert: "amended to read as follows:

It shall be unlawful to sell any intoxicating liquors, with or without a license on the grounds of the University of Washington, otherwise known and described as follows: Fractional section 16, township 25 north, range 4 east of Willamette Meridian *except to the extent allowed under banquet permits issued pursuant to RCW 66.24.490.*"

On motion of Senator Scott, the following amendment to the title by Senators Scott, Francis and Goltz was adopted:

On line 1 of the title, strike "repealing" and insert "amending".

On motion of Senator Scott, the rules were suspended, 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.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 307, as amended by the Senate, and the bill, on reconsideration, passed the Senate by the following vote: Yeas, 38; nays, 7; absent or not voting, 2; excused, 2.

Voting yea: Senators Bailey, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Knoblauch, Lewis (Harry), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, North, Odegaard, Peterson, Rasmussen, Ridder, Scott, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—38.

Voting nay: Senators Beck, Jones, Lewis (R. H. "Bob"), Pullen, Sellar, Stortini, Talley—7.

Absent or not voting: Senators Donohue, Newschwander—2.

Excused: Senators Keefe, Sandison—2.

HOUSE BILL NO. 307, as amended by the Senate, 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 Mardesich, the Senate returned to the first order of business.

REPORT OF STANDING COMMITTEE

May 6, 1975.

SENATE BILL NO. 2290, appropriating funds to counties to aid in operation of criminal justice system (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; von Reichbauer, Vice Chairman; Buffington, Cunningham, Goltz, Gould, Herr, McDermott, North, Pullen, Ridder, Van Hollebeke.

Passed to Committee on Rules for second reading.

MOTIONS

On motion of Senator Lewis (R. H. "Bob"), Senators Newschwander and Scott were excused.

There being no objection, Senator Donohue was excused.

On motion of Senator Mardesich, the rules were suspended and Senate Bill No. 2290 was advanced to second reading.

REPORT OF STANDING COMMITTEE

May 6, 1975.

SENATE BILL NO. 2290, appropriating funds to counties to aid in operation of criminal justice system (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass with the following amendments:

On page 1 of the bill, strike everything after the enacting clause and insert:

"Section 1. Section 1, page 124, Laws of 1886 and RCW 10.85.030 are each amended to read as follows:

The county commissioners in the several counties of the state, when in their opinion the public good requires it, are hereby authorized to offer and pay a suitable reward, not to exceed [five hundred] *fifty thousand* dollars in any one case, to any person or persons who, in consequence of such offer apprehends, brings back and secures any person or persons, convicted of or charged with any criminal offense, if the offense be a felony."

In line 1 of the title, after "justice;" strike the rest of the title and insert "and amending section 1, page 124, Laws of 1886, and RCW 10.85.030."

Signed by: Senators Day, Chairman; von Reichbauer, Vice Chairman; Buffington, Cunningham, Goltz, Gould, Herr, McDermott, North, Pullen, Ridder, Van Hollebeke.

The bill was read the second time in full.

Senator Day moved adoption of the committee amendment.

Senator Woody moved adoption of the following amendment to the committee amendment:

Amend the amendment by Committee on Social and Health Services as follows:

On line 12 following "felony" insert "*or who, in consequence of such offer, supplies material information which directly leads to or results in the arrest, charging or conviction of any person or persons for the commission of a felony*".

"The legislature finds that the allowance of awards leading to the arrest, charging or conviction of felons materially aids law enforcement and therefore constitutes a proper use of county funds."

POINT OF INQUIRY

Senator Rasmussen: "Would Senator Woody yield to a question? Senator Woody, I do not have the bill before me. This reward that is posted, who can collect it? What I am wondering is, the reward is posted by the county and available. Does that go to any police officer or anyone in the ordinary course of his duties?"

Senator Woody: "If this amendment is adopted, then the various counties could include police officers or they could not, dependent upon the desires of the county administration. It would be anyone who offers, supplies, material information. The counties could exclude, however, those people who are in law enforcement and are paid on a monthly basis to obtain this same information."

Senator Rasmussen: "Senator Woody, I would not think any police officer would withhold information until such time a reward is offered. It is written in such a fashion that it does not go to any officer in the line of police enforcement."

Senator Woody: "That is true and, remember, there is also a body of contract law, and by the way, I have discovered you have more than a passing acquaintance with an attorney named Neil Hoff, who is a wonderful attorney. And if you were to ask him about this, he would tell you the contract law on this, that an offer of a reward, even though somebody comes in with the information, is not an acceptance and therefore is not a contract. So if a police officer were to come in with the information saying, 'You have offered the reward, and here it is,' it is not a contract and he cannot enforce it."

Senator Rasmussen: "Thank you."

POINT OF INQUIRY

Senator Clarke: "As I read this, Senator Woody, conviction is not required. In other words, if someone is charged and returned to the state and found to be completely innocent, the reward would still be payable. Do I read that correctly?"

Senator Woody: "That is correct, but it is also to take into consideration the situation in which they have the right fellow, due to the information obtained, but due to a mistake made by the assistant prosecutor trying the case, there is a mistrial, or insanity defense, something of that sort. You do not want to force that situation from making it payable to the person bringing forth the information that really gets the right fellow there. It is just that he is found not guilty by reason of insanity or there is a mistrial due to conduct of the prosecutor during the trial."

Senator Clarke: "Senator, this is all in the alternative and if he supplies material which directly leads to or results in simply the arrest, he could be arrested and not even eventually charged. I just wondered if you intended to go that far."

Senator Woody: "Yes, I did, because of the situations in which the police officer who makes the arrest arrests the right person as a result of the information but because the arrest is a bad arrest. Let us say he does not give him his Miranda rights. The prosecutor does not even go any further on that particular point in trying to put the fellow up for trial because he knows that the fellow will be released immediately on a writ of habeas corpus."

Senator Clarke: "Thank you, Mr. President. I understand the concept, but I am a little bit disturbed about the broadness of the situation because I can conceive of someone, in effect, bringing some person back and supplying information which would lead

to an arrest. The information supplied by the very person bringing him back might lead to an arrest and the whole thing might be erroneous and he would still apparently be entitled to collect the reward."

Debate ensued.

The motion by Senator Woody carried and the amendment to the committee amendment was adopted.

The motion by Senator Day carried and the committee amendment, as amended, was adopted.

On motion of Senator von Reichbauer, the following amendment was adopted:

On page 2, after line 10, add the following section:

"*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 motion of Senator Day, the committee amendment to the title was adopted.

On motion of Senator von Reichbauer, the following amendment to the title was adopted:

On page 1, line 2 of the title, after "RCW;" strike "and", and after "appropriation" insert "; and declaring an emergency".

On motion of Senator Day, the rules were suspended, Engrossed Senate Bill No. 2290 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. 2290, and the bill passed the Senate by the following vote: Yeas, 42; nays, 3; excused, 4.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sellar, Stortini, Talley, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—42.

Voting nay: Senators Fleming, Jones, Van Hollebeke—3.

Excused: Senators Donohue, Keefe, Sandison, Scott—4.

ENGROSSED SENATE BILL NO. 2290, having received the 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 Day, Engrossed Senate Bill No. 2290 was ordered immediately transmitted to the House.

SIGNED BY THE PRESIDENT

The President signed:

SENATE BILL NO. 2242,

SENATE BILL NO. 2513,

SENATE BILL NO. 2690.

REPORTS OF STANDING COMMITTEES

May 13, 1975.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 720, relating to the state colleges (reported by Committee on Higher Education):

MAJORITY recommendation: Do pass.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Odegaard, Scott.

Passed to Committee on Rules for second reading.

May 13, 1975.

HOUSE BILL NO. 796, providing for transfer of rental deposit with change of landlords (reported by Judiciary Committee):

MAJORITY recommendation: Do pass.

Signed by: Senators Francis, Chairman; Bottiger, Buffington, Clarke, Jones, Van Hollebeke.

Passed to Committee on Rules for second reading.

May 13, 1975.

SUBSTITUTE HOUSE BILL NO. 975, requiring notice of nonrenewal of teacher's supplemental contract (reported by Committee on Education):

Recommendation: Do pass.

Signed by: Senators Stortini, Chairman; Francis, Gould, McDermott, Murray, Newschwander, von Reichbauer.

Passed to Committee on Rules for second reading.

GUBERNATORIAL APPOINTMENT

May 13, 1975.

MARVIN E. GLASS, to the position of member of the Board of Trustees of Community College District No. 6, Seattle Community College, appointed by the Governor on April 4, 1974 for the term ending April 3, 1979, succeeding himself (reported by the Committee on Higher Education):

MAJORITY recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Guess, Odegaard, Scott.

Referred to Committee on Rules.

MESSAGE FROM THE HOUSE

May 13, 1975.

Mr. President: The House has passed:

SUBSTITUTE HOUSE BILL NO. 427,

SUBSTITUTE HOUSE BILL NO. 428,

SUBSTITUTE HOUSE BILL NO. 552, and the same are herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

INTRODUCTION AND FIRST READING

SUBSTITUTE HOUSE BILL NO. 427, by Committee on Transportation and Utilities (originally sponsored by Representatives Perry, Patterson, Hansen, Gaines and Gilleland) (by Executive request):

Making appropriations for highways.

Referred to Committee on Transportation and Utilities.

SUBSTITUTE HOUSE BILL NO. 428, by Committee on Transportation and Utilities (originally sponsored by Representatives Perry, Patterson, Hansen, Gaines and Gilleland) (by Executive request):

Making appropriations for highways.

Referred to Committee on Transportation and Utilities.

SUBSTITUTE HOUSE BILL NO. 552, by Committee on Transportation and Utilities (originally sponsored by Representatives Thompson, Polk, Blair, Sommers, Kilbury, Tilly, Berentson and Hawkins) (by Executive request):

Delaying construction of new marine oil transfer facilities until June 30, 1976.
Referred to Committee on Transportation and Utilities.

MOTION

At 7:00 p.m., on motion of Senator Mardesich, the Senate adjourned until 10:30 a.m., Wednesday, May 14, 1975.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

SIXTY-SECOND DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, May 14, 1975.

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 Bailey, Benitz, Bottiger, Keefe, Matson, Newschwander and Rasmussen. On motion of Senator Knoblauch, Senators Bailey, Bottiger, Keefe and Rasmussen were excused. On motion of Senator Lewis (R. H. "Bob"), Senators Matson and Newschwander were excused.

The Color Guard, consisting of Pages Michelle Collins and Dennis Doyle, presented the Colors. Reverend Glen D. Cole, pastor of Evergreen Christian Center of Olympia, offered the following prayer:

"OUR HEAVENLY FATHER, WE WANT TO THANK YOU FOR THE GREAT OPPORTUNITIES THAT LIE BEFORE US TODAY, AND FOR THE GREAT PRINCIPLES LAID DOWN BY THE GREATEST TEACHER OF ALL, JESUS CHRIST OUR LORD. HIS UNDERSTANDING, PERCEPTIVENESS, INSIGHT AND WISDOM CAN BE OURS WHEN WE TRULY YIELD OUR MINDS AND SPIRITS TO HIM. WE ACKNOWLEDGE THAT HIS WAY WORKS WHEN IT IS WORKED. HELP US THEREFORE TO BE WISE ENOUGH TO FOLLOW AND TO GIVE OURSELVES INTO HIS GUIDANCE AND DIRECTION, THAT WE MAY TRULY ATTAIN WHAT IS BEST FOR THIS DAY. WE PLACE THIS LEGISLATIVE BODY IN YOUR HANDS. WE PLACE ALL OF THE BUSINESS IN YOUR HANDS. WE THANK YOU FOR GOD-FILLED IDEAS, FOR UNTAPPED ENERGY, FOR VITALITY AND STRENGTH OF MIND AND BODY.

"WE ALSO WOULD PRAY FOR GUIDANCE FOR OUR NATIONAL LEADERS DURING THIS PRESENT CRISIS IN CAMBODIA. MAY INSIGHT BE GIVEN FOR THE RIGHT ANSWERS. MAY YOUR WILL BE DONE ON EARTH EVEN AS IT IS DONE IN HEAVEN.

"THANK YOU, LORD, FOR THIS GOOD DAY; FOR YOUR LOVE AND HELP. IN THE NAME OF JESUS WE PRAY. AMEN."

MOTION

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

MESSAGES FROM THE HOUSE

May 13, 1975.

Mr. President: The House has passed:
 SUBSTITUTE SENATE BILL NO. 2110,
 SENATE BILL NO. 2131,
 ENGROSSED SENATE BILL NO. 2143,
 SECOND SUBSTITUTE SENATE BILL NO. 2235, and the same are herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

May 13, 1975.

Mr. President: The House has passed ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1007, and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of Senate Bill No. 2956.

SECOND READING

SENATE BILL NO. 2956, by Senators Jolly, Peterson and Sellar:

Relating to the state building code.

The bill was read the second time by sections.

On motion of Senator Jolly, the rules were suspended, Senate Bill No. 2956 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. 2956, and the bill passed the Senate by the following vote: Yeas, 42; absent or not voting, 1; excused, 6.

Voting yea: Senators Beck, Bluechel, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Morrison, Murray, North, Odegaard, Peterson, Pullen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—42.

Absent or not voting: Senator Benitz—1.

Excused: Senators Bailey, Bottiger, Keefe, Matson, Newschwander, Rasmussen—6.

SENATE BILL NO. 2956, having received the 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 Mardesich, the Senate commenced consideration of Senate Bill No. 2469.

SECOND READING

SENATE BILL NO. 2469, by Senators Francis, Murray and Woody:
Revising law relating to handling of trusts by mutual savings banks.

MOTIONS

On motion of Senator Woody, Substitute Senate Bill No. 2469 was substituted for Senate Bill No. 2469 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. 2469 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. 2469, and the bill passed the Senate by the following vote: Yeas, 43; excused, 6.

Voting yea: Senators Beck, Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Morrison, Murray, North, Odegaard, Peterson, Pullen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—43.

Excused: Senators Bailey, Bottiger, Keefe, Matson, Newschwander, Rasmussen—6.

SUBSTITUTE SENATE BILL NO. 2469, having received the 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 Mardesich, the Senate resumed consideration of Substitute Senate Bill No. 2485, on reconsideration.

SECOND READING

SUBSTITUTE SENATE BILL NO. 2485, by Committee on Transportation and Utilities (originally sponsored by Senators Walgren and Lewis (Harry):

Authorizing a pilot project on bicycle registration.

The Senate resumed consideration of Substitute Senate Bill No. 2485 which failed to pass the Senate on Tuesday, May 13, 1975. On motion of Senator Washington the Senate moved to reconsider failure of the Senate to pass Substitute Senate Bill No. 2485 and on motion of Senator Washington, the bill was returned to second reading.

On motion of Senator Guess, the following amendment by Senators Guess and Washington was adopted:

On page 3, line 24, after "device," strike "or three wheeled device driven by chain drive,".

Senator Day moved adoption of the following amendment:

On page 2, line 15, after "bicycle" insert "": PROVIDED, That bicycle owners age 16 or less shall pay no more than a one dollar fee".

POINT OF INQUIRY

Senator Guess: "Will Senator Lewis yield? Senator Lewis, we have had a good bit of discussion on the purpose of this bill and I wish that you would for us tell the legislative intent in the bringing of the bill to the floor."

Senator Lewis (Harry): "Senator Guess, for the record, it was my intention with this legislation not to penalize families with a large number of children who had a lot of bicycles, in terms of fees, in this pilot project. I feel sure that the commissioners and those involved in setting those fees will take into consideration the minimum amount necessary to provide the information that is necessary for the pilot project. Specifically,

a family of four or five, it was not the intention of the bill that they should pay even a dollar to register, as Senator Day has suggested, but it would be an amount that would be a bare minimum to meet the standards and to try to obtain the information. The basic purpose of the bill was really the safety area and the gathering of information which I think would be constructive and which I think Thurston County residents would look forward to."

The motion by Senator Day carried and the amendment was adopted.

On motion of Senator Walgren, the rules were suspended, Engrossed Substitute Senate Bill No. 2485 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

Debate ensued.

Senators Wilson, Talley and Washington demanded the previous question and the demand was sustained.

The President declared the question before the Senate to be the roll call on Engrossed Substitute Senate Bill No. 2485, on reconsideration.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2485 and the bill, on reconsideration, failed to pass the Senate by the following vote: Yeas, 24; nays, 19; absent or not voting, 1; excused, 5.

Voting yea: Senators Beck, Benitz, Bluechel, Buffington, Day, Francis, Goltz, Gould, Grant, Guess, Jolly, Knoblauch, Lewis (Harry), McDermott, Morrison, Murray, North, Ridder, Sandison, Stortini, Talley, Walgren, Wanamaker, Washington—24.

Voting nay: Senators Clarke, Cunningham, Donohue, Fleming, Henry, Herr, Jones, Lewis (R. H. "Bob"), Mardesich, Marsh, Odegaard, Peterson, Pullen, Rasmussen, Sellar, Van Hollebeke, von Reichbauer, Wilson, Woody—19.

Absent or not voting: Senator Scott—1.

Excused: Senators Bailey, Bottiger, Keefe, Matson, Newschwander—5.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2485, having failed to receive the constitutional majority, on reconsideration, was declared lost.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of House Bill No. 175.

SECOND READING

HOUSE BILL NO. 175, by Representatives Hansen, Nelson and Clemente (by Department of Highways request):

Removing gross weight limitations for vehicles operated within project boundaries.

The bill was read the second time by sections.

On motion of Senator Guess, the rules were suspended, 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 Rasmussen: "Will Senator Guess yield to a question? Senator Guess, I noticed in the information sheet on House Bill No. 175 in essence this bill says where the reason for the rule fails, the rule should fail. In other words, the special weight limitations were established to protect the roadways of the state of Washington. House Bill No. 175 provides that when heavy vehicles are operating on a roadway which is being demolished, there is no need for such protection. I would agree with that statement but I am a little curious. These overweight trucks do not stay only on the part of the highway that is being demolished. They picked their load up and go someplace else to dump it."

Senator Guess: "Senator Rasmussen, the type of equipment that we have or are using in this particular instance is not licensed to go on the road. If they dump their load, they have to do it either within the project limits or on the particular areas that are

designated by the Highway Department. It will not cause damage in other places and they will not permit this except within the project limits."

Senator Rasmussen: "I hope you are right."

Senator Guess: "A good illustration of this was down in Woodland, Washington, and they had some large equipment down there. The borrowing pits were off to the side, over on the other side of the railroad and they found out that they could do this and actually by using the heavy equipment where they were going to take the pavement out, it helped break the pavement up, and the state would not permit this in any place except where the roadway is going to be torn out."

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 175, and the bill passed the Senate by the following vote: Yeas, 43; absent or not voting, 2; excused, 4.

Voting yea: Senators Beck, Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, North, Odegaard, Pullen, Rasmussen, Ridder, Sandison, Scott, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—43.

Absent or not voting: Senators Peterson, Sellar—2.

Excused: Senators Bailey, Bottiger, Keefe, Newschwander—4.

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.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of Senate Bill No. 2723.

SECOND READING

SENATE BILL NO. 2723, by Senators Bottiger and Woody:

Limiting the use of criminal offender records and prescribing procedures.

REPORT OF STANDING COMMITTEE

April 3, 1975.

SENATE BILL NO. 2723, limiting the use of criminal offender records and prescribing procedures (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendments:

On page 2, beginning on line 4, strike all of sections 3, 4, 5 and 6 and renumber the following sections accordingly and correct the internal cross-references accordingly and on line 33, after "copy" and before "individual's" strike "an" and insert "such".

On page 3, line 10, after "recover" strike all the matter down through "with" on line 11.

Signed by: Senators Francis, Chairman; Bottiger, Buffington, Marsh, Van Hollebeke, Woody.

The bill was read the second time by sections.

On motion of Senator Francis, the committee amendments were adopted.

On motion of Senator Francis, the rules were suspended, Engrossed Senate Bill No. 2723 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator McDermott: "Will Senator Francis yield to a question? In section 9 it says, 'upon notification of an inaccurate or incomplete offender record.' Is that a legal

notification or is that presented in writing by the attorney or by the particular individual or how does that actually operate?"

Senator Francis: "Senator McDermott, it is contemplated by this act that any notification whatsoever by whatever form, whether by telephone or whatever, by the individual affected or an employer or whoever will set in motion what then follows, which is then that agency shall cause an examination of the documents supporting the record, make the corrections if necessary, and inform the subject of the action taken; and then if the subject himself believes the action is unsatisfactory, then he can go ahead from there. So basically, anybody can bring about the notification that there is an incorrect record."

Senator McDermott: "I have a further question about that. If someone has been arrested and convicted of something and if he has a clean record thereafter and it is wiped from the record, how does he fill out an application? When he is asked, has he ever been convicted, does he put yes or no if it was in the record and then removed?"

Senator Francis: "Senator McDermott, I do not know what you are referring to. If you are referring to a conviction from which he appealed and where the appeal reversed the conviction and maybe it never went to trial after that so it was never determined, that could all be in the record. There is no mandate there that that be erased. That is one of the things we are contemplating now. If on the other hand there was a court order asking that an arrest which was a completely erroneous arrest based on a mistaken identification be expunged from a person's record, then those records would have to be expunged and a criminal justice record would be inaccurate that said he had been arrested and not only that but he could then put down that he had never been arrested, because an expungement would be the same as a wiping from existence and it would be appropriate and proper for him to say 'no arrest'."

POINT OF INQUIRY

Senator Wilson: "Will Senator Francis yield? With respect to the general area of freedom of the press, my question is whether, under terms of this bill, any records which are presently available to the press no longer would be available to them."

Senator Francis: "Not at all, Senator Wilson, There is no provision in this bill for limiting in any way anything that is already allowed and vice versa. If there is now some limitation on distribution of record information, we have not affected that. That would be in other statutes. I might add that the only thing that would be affected would be the right of the newspapers to correct the records. In other words, if they find out just as if the subject himself finds out, they could call it to the attention of the agency, and that could work both ways. If they are aware of a person having had a conviction in another jurisdiction, say five years ago, and this record does not show it, they can say, we believe that person to have had a conviction for this same offense' or something, bring it to their attention and have them add that to it if that is appropriate. So it gives the newspaper publishers, I think, more options too at least in the area of correcting records."

Senator Wilson: "So in essence this bill does not deprive the working press of any records to which they presently have access?"

Senator Francis: "None whatsoever."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Senate Bill No. 2723, and the bill passed the Senate by the following vote: Yeas, 43; absent or not voting, 2; excused, 4.

Voting yea: Senators Beck, Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, North, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—43.

Absent or not voting: Senators Donohue, Pullen—2.

Excused: Senators Bailey, Bottiger, Keefe, Newschwander—4.

ENGROSSED SENATE BILL NO. 2723, having received the constitutional ma-

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 Mardesich, House Bill No. 627 was ordered placed at the end of today's second reading calendar.

On motion of Senator Mardesich, the Senate commenced consideration of Substitute House Bill No. 183.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 183, by Committee on Local Government (originally sponsored by Representatives Bagnariol, Warnke and Fischer):

Increasing public works mandatory bid limit.

The bill was read the second time by sections.

On motion of Senator Fleming, the rules were suspended, Substitute House Bill No. 183 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Will Senator Fleming yield to a question? Senator Fleming, did the drainage districts appear before your committee and ask for the same thing?"

Senator Fleming: "No, just the water districts."

Senator Rasmussen: "It is all right, this is okay, but I was wondering why they did not come in too. I know that we have some complaints that they would like to be included under this because . . ."

Senator Fleming: "No, water and sewer but not drainage."

POINT OF INQUIRY

Senator Wilson: "Would Senator Fleming yield please? Senator Fleming, assuming a sewer district under terms of this bill creates a small works roster composed of five small contractors in the area and, acknowledging that it is called upon to revise the small works roster every six months, still if there is a sixth contractor somewhere in the area who would like to be on the small works roster so that he would be considered for the smaller projects, and the manager of the district or a majority of the commissioners simply do not want him to be on the small works roster, is he then effectively prohibited from participating in this work?"

Senator Fleming: "That is a good question, Senator Wilson. From my understanding, I think he would have a normal appeal procedure to the water district itself as to finding out why this individual was left off. I think they will have certain criteria and certain procedures that are set up to determine how the individuals would be selected for this roster, but I would assume that that individual would have the same type of appeal procedure that he has presently as it relates to water and sewer districts, even though, and when it comes to whether in fact an individual is considered for a contract when they are letting that contract out or not considered for the contract, so I would assume that there is an appeals procedure that would deal with that."

POINT OF INQUIRY

Senator Woody: "Senator Fleming, would it cause any great problem to include drainage districts within the provisions of 183?"

Senator Fleming: "No."

MOTION

Senator Woody moved the rules be suspended and Substitute House Bill No. 183 be returned to second reading.

Debate ensued.

There being no objection, the motion by Senator Woody was withdrawn.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 183, and the bill passed the Senate by the following vote: Yeas, 41; nays, 3; absent or not voting, 1; excused, 4.

Voting yea: Senators Beck, Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Fleming, Francis, Goltz, Gould, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Woody—41.

Voting nay: Senators Grant, Murray, Wilson—3.

Absent or not voting: Senator Donohue—1.

Excused: Senators Bailey, Bottiger, Keefe, Newschwander—4.

SUBSTITUTE HOUSE BILL NO. 183, having received the 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 11:58 a.m., on motion of Senator Mardesich, the Senate recessed until 1:45 p.m.

AFTERNOON SESSION

President Pro Tempore Henry called the Senate to order at 1:45 p.m.

MOTION

On motion of Senator Knoblauch, Senator Donohue was excused.

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

MESSAGES FROM THE HOUSE

May 14, 1975.

Mr. President: The Speaker has signed:

SENATE BILL NO. 2242,

SENATE BILL NO. 2513,

SENATE BILL NO. 2690, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

May 13, 1975.

Mr. President: The Speaker has signed:

HOUSE BILL NO. 16,

HOUSE BILL NO. 92, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

May 14, 1975.

Mr. President: The House has granted the request of the Senate for a conference on HOUSE BILL NO. 171 and the Senate amendment on page 2, line 27, and the Speaker has appointed as members of the Conference Committee thereon: Representatives Hansen, Douthwaite and Patterson.

DEAN R. FOSTER, Chief Clerk.

May 14, 1975.

Mr. President: The House has granted the request of the Senate for a conference on ENGROSSED HOUSE BILL NO. 95 and for the Senate amendments thereto and the Speaker has appointed as members of the Conference Committee thereon: Representatives Becker, Boldt and Haley.

DEAN R. FOSTER, Chief Clerk.

May 14, 1975.

Mr. President: The House has granted the request of the Senate for a conference on ENGROSSED HOUSE BILL NO. 278 and the Senate amendment thereto and the Speaker has appointed as members of the Conference Committee thereon: Representatives Shinpoch, Conner and Matthews.

DEAN R. FOSTER, Chief Clerk.

May 14, 1975.

Mr. President: The House has granted the request of the Senate for a conference on ENGROSSED HOUSE BILL NO. 205 and the Senate amendments thereto and the Speaker has appointed as members of the Conference Committee thereon: Representatives Bauer, Erickson and Eikenberry.

DEAN R. FOSTER, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 2110,
SENATE BILL NO. 2131,
SENATE BILL NO. 2143,
SECOND SUBSTITUTE SENATE BILL NO. 2235.

SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 16,
HOUSE BILL NO. 92.

MOTIONS

On motion of Senator Talley, Senate Bill No. 2287 was ordered placed at the beginning of the second reading calendar for Thursday, May 15, 1975.

On motion of Senator Sandison, the Senate commenced consideration of House Bill No. 627.

SECOND READING

HOUSE BILL NO. 627, by Representatives McKibbin, Whiteside and Savage:

Implementing law relating to certain student transfer within the common schools and state apportionment credit therefor.

The bill was read the second time by sections.

Senator Bottiger moved adoption of the following amendment:

On page 1, line 21, after "student" insert ": PROVIDED FURTHER, That the receiving district may as a condition of acceptance charge a tuition for the transferring student equal to the per capita student receipts from any special levy in the receiving district".

POINT OF INQUIRY

Senator Gould: "Would Senator Bottiger yield? It is my understanding that school districts now are allowed to charge tuition to students from other districts, and you mentioned that the amendment would be up to the amount that is equal to the per capita student receipts from the special levy, but I do not see the word 'up to' and I just wondered if that should be in there."

Senator Bottiger: "Could I offer an oral amendment after the words 'transferring student' on the third line down, the oral amendment, 'up to an amount equal' — 'up to an amount,' then it would be 'equal to the per capita students'."

Senator Gould: "Fine. Thanks."

Senator Bottiger: "It is true that school districts can charge a tuition. The statute

that allows them to do that says, 'in the actual expense of the district for the new student.' Now the unfortunate part is, you take one student and plug him into the Puyallup or the Edmonds school district and there is not any cost for that one student, but if you take a group of students you are going to get a cost and that is the real question, whether we can solve some of these boundary disputes under this statute."

On motion of Senator Bottiger, the following amendment to the amendment was adopted:

On the fourth line of the Bottiger amendment, after "tuition" strike "for" and insert "up to an amount equal to".

Debate ensued.

POINT OF INQUIRY

Senator Wilson: "Would Senator Bottiger yield? In the interests of perfecting the amendment, would you want the word 'operating' inserted between 'special' and 'levy' as opposed to a bond issue levy?"

Senator Bottiger: "Yes."

Senator Wilson: "That is, 'maintenance and operation,' I should say."

On motion of Senator Wilson, the following amendment to the amendment by Senator Bottiger was adopted:

On the last line of the Bottiger amendment, after "special" and before "levy" insert "maintenance and operating".

POINT OF INQUIRY

Senator Ridder: "Senator Bottiger, can you tell me, this would then prohibit a school district from charging a tuition more than the special levy per capita amount? It would remove the discretion of the school district from this?"

Senator Bottiger: "I am afraid it would. I am now thinking of a non-high district and the tuition that is being paid in a high district by the non-high district which might be the sum different from the special levy. I am going to withdraw the amendment because I do not know an answer to that and I guess all I have done is bring a problem to us that is not covered by this bill and it is my suggestion this bill will not work unless we solve this problem of how we pay for those extra kids."

There being no objection, the amendment by Senator Bottiger, as amended, was withdrawn.

MOTIONS

On motion of Senator Knoblauch, Senator Stortini was excused.

On motion of Senator Lewis (R. H. "Bob"), Senator Matson was excused.

On motion of Senator Marsh, the rules were suspended, House Bill No. 627 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Wilson: "Will Senator Marsh yield please? Senator, I think we are in an area of the calendar that we did not cover in caucus that I can recall, but whether we did or not, could you tell me briefly how this changes the situation from the present situation with respect to nonresident students attending another district?"

Senator Marsh: "I will yield to Senator Gould on that."

Senator Gould: "Under the current situation, any student who appeals to move to another district, not move but to be changed to another district, has to have consent of both districts, both the district that they want to go into and the district from which they would be released, and that is in order for them to have their state apportionment funds follow them to the new district. This would say that you no longer have to have the consent of the district from which you are being released. If they do not want to release you and thus your state apportionment funds, you can appeal to the State Board of Education and they will be able then to release your funds, after the hearing on the specific reasons, to the new district. One thing is that you do have to have reasons for doing it, valid educational reasons or hardship, because we want to avoid the possibility of

people maybe wanting to change to another school district because they have got a great football team and they want to be on it, and so this, by appeal to the State Board, why you can then have your funds released to the new district."

POINT OF INQUIRY

Senator Gould: "If I may, I would like to ask Senator Marsh if he would yield. The question that Senator Bottiger has brought up is one I am still concerned about. Does the bill repeal any part of the current law which allows school districts to charge tuition?"

Senator Marsh: "I am not aware of any such portion of the law being repealed by this bill."

Senator Gould: "Okay, then I guess that covers it. Thank you."

POINT OF INQUIRY

Senator Van Hollebeke: "Would Senator Marsh yield to a question? Following up with the question that was asked of Senator Gould, I am wondering what would be considered valid reasons? What would be the most typical reasons, and I think something may have been mentioned on that earlier, but if you could expand on that a little bit?"

Senator Marsh: "The bill, on line 25, says that in the event it finds that a special hardship or detrimental conditions of a financial, educational, safety or health nature affecting the student or the student's immediate family or custodian may likely be significantly alleviated as a result of the transfer. Those are the standards set out in the bill. I take it if you fall within one of those categories of hardship or detrimental condition relating to financial, educational, safety or health nature affecting either the student or his immediate family, you would then be eligible for a transfer."

Senator Van Hollebeke: "All right. That is the legal reason and that is part of the answer all right. I am trying to get a better idea, either from you or somebody, of course, I know we are dealing with a House bill so we do not have the sponsor here, but I would like to get an idea of what type of thing prompted this and what are the typical things. It may be one type of situation makes up over fifty percent of the cases that would fall under this. I would like to get a little further information on that."

Senator Marsh: "Again I am going to yield to Senator Gould who is a school board member and is a member of the Senate Education Committee. I am just here doing a little duty for my Representative but he did not give me the answer to that particular question."

Senator Gould: "I can think of a few cases that we have had in our own district where it has been valuable for a student to be able to be transferred to a neighboring district. Sometimes if they have had a discipline problem in the school and it really would be valuable for them to be in a different school and even in another district, we have been able to make arrangements with other districts for them to go, say for a limited amount of time. It gives you the flexibility for that type of a situation. Also for educational reasons. Maybe a levy reason, obviously is a good one. I think there are a lot of districts, however, that would hesitate in taking an influx of students from a nearby district if they do not have the room or the facilities, but there are educational programs in some districts that are not offered in another district and if the neighboring district, and they are close, has a program, whether it be vocation or any other kind, that would be helpful to them, then this allows them to do that."

Senator Van Hollebeke: "All right. Now your greatest familiarity is with your own school board in your own district. This can be done now but this law makes it easier, this bill with proposed legislation would make it easier. All right. Discipline, for instance. You have given me examples but you are still not quite answering my question. Right now, are disciplinary reasons perhaps the most common reason given, common factor?"

Senator Gould: "No. I would not think that is the most common. That is the one I see because it usually comes to the board for a decision. Sometimes it is just a matter of a mother with three children and she has no husband at home, works in another district, and it would be much more convenient for her to take her children to the school that is

closest to her work and pick them up there rather than having to have a babysitter see that they get to the local school and back. It is really accommodation. That is all I see it as now."

Senator Van Hollebeke: "A lot of reasons. Okay, thank you."

POINT OF INQUIRY

Senator Wilson: "Will Senator Gould yield? Has there been a history of incidents in which the incumbent district has refused permission for a child to be transferred who probably should have been transferred; i.e., what is the reason for the need for this bill?"

Senator Gould: "I do not know that. I will yield to Senator Bottiger who seems to have some information on that."

Senator Bottiger: "I can tell you a substantial one in Pierce County where a new substantial residential development is built, the historical school line runs right down the middle of it. The one school district did not have bus service to the other side of the development, there was no access there, they had to drive all the way around. The second school district did have access and had traditionally serviced a small part. The residents of that area petitioned to all be put in the same district. It would have meant a substantial tax loss to the district they were trying to leave and they went all the way, I think, to court of appeals trying to get out of it. This bill would clarify that kind of a situation. They were not successful."

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 627, and the bill passed the Senate by the following vote: Yeas, 41; nays, 1; absent or not voting, 1; excused, 6.

Voting yea: Senators Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Morrison, Murray, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—41.

Voting nay: Senator Fleming—1.

Absent or not voting: Senator Francis—1.

Excused: Senators Bailey, Donohue, Keefe, Matson, Newschwander, Stortini—6.

HOUSE BILL NO. 627, having received the 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 Guess, Senate Bill No. 2908 was ordered to hold its place on the second reading calendar for Thursday, May 15, 1975.

REMARKS BY SENATOR WOODY

Senator Woody: "I just wanted to remind the body that the excellent committee arrangement that Senator Mardesich created here recently has already resulted in the formation of one big bill as a result."

POINT OF INQUIRY

Senator Lewis (Harry): "Would Senator Woody yield? I was wondering if the bill that you are talking about is the bill due the people of the state of Washington for the cost of this long session or is, what bill was it in particular you were referring to there? I think perhaps Senator Mardesich, I see he is . . ."

Senator Mardesich: "I was just pointing out to Senator Woody that for every day we have been here, we have cut two point seven million dollars out of the budget, taken two point seven million dollars out of the Governor's pocket and put it back into the taxpayer's pocket."

Senator Murray: "Mr. President, I would just like to point out if you use that

thinking, if we stay here forever we will eliminate state government and I do not believe that that is"

MOTION

On motion of Senator Sandison, the Senate commenced consideration of House Bill No. 170.

SECOND READING

HOUSE BILL NO. 170, by Representatives McCormick, Leckenby, Bond, Gallagher and Laughlin:

Providing an extension of time for tax exemption on use of propane in motor vehicles.

The bill was read the second time by sections.

On motion of Senator Walgren, the rules were suspended, House Bill No. 170 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Would Senator Walgren yield to a question? Senator Walgren, recently a number of taxicabs are using natural gas rather than propane. Is that also exempt from tax?"

Senator Walgren: "I do not believe so. I think it referred to propane."

Senator Rasmussen: "How do they tax them then?"

Senator Walgren: "I'm not sure, Senator Rasmussen, how they do that."

Senator Rasmussen: "There are a number of taxicabs that are using natural gas. It works just as good as propane. In fact, they claim it is better, and I was just curious when you were mentioning propane."

Senator Walgren: "I was just listening to some advice that I was getting on the floor. Senator Washington tells me that it is liquid natural gas, that it would be taxed the same as our existing fuel tax."

POINT OF INQUIRY

Senator Odegaard: "Mr. President, I notice in a fiscal note it shows the revenue loss from the motor vehicle fund is three hundred and seventy-one thousand, and with the problems they are having with revenue into that fund, I wonder if Senator Walgren might comment on whether we can handle that loss or not."

Senator Walgren: "The money is not being collected now. It has not been collected so it is not truly a loss. If we did, of course, tax that, that would be money that would be coming in. This was given consideration by the committee and indeed each time we have had this bill up before us we have tried to weigh the prospective profits, if you will, that we might obtain from the taxation of this fuel, and decide that the advantages as far as pollutants were concerned outweighed it."

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 170, and the bill passed the Senate by the following vote: Yeas, 40; nays, 6; excused, 3.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Fleming, Francis, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Morrison, Murray, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington—40.

Voting nay: Senators Goltz, Matson, McDermott, Newschwander, Wilson, Woody—6.

Excused: Senators Donohue, Keefe, Stortini—3.

HOUSE BILL NO. 170, having received the 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 Sandison, the Senate resumed consideration of Substitute Senate Bill No. 2734.

SECOND READING

SUBSTITUTE SENATE BILL NO. 2734, by Committee on State Government (originally sponsored by Senators Rasmussen, Lewis (Harry), Bailey and Donohue):

Prescribing changes in shoreline management provisions.

The Senate resumed consideration of Substitute Senate Bill No. 2734 and the following amendment by Senator Bluechel moved for adoption on Tuesday, May 13, 1975.

On page 6, line 23 strike "[(11) Any permit for a variance of a conditional use by local government under approved master programs must be submitted to the department for its approval or disapproval.]" and insert the following:

"(11) Any permit for a variance or a conditional use by local government under approved master programs must be submitted to the department for its approval or disapproval."

Debate ensued.

POINT OF INQUIRY

Senator Goltz: "Would Senator Murray yield to a question? As I understood your explanation, Senator Murray, the language on line 23 where it refers to any permit for a variance is not an individual applying for a variance in the usual sense of a zoning variance but it is the variance being made by the local unit of government to its own master program. Is that correct?"

Senator Murray: "That is correct."

Further debate ensued.

Senator Washington demanded a roll call and the demand was sustained by Senators Grant, Goltz, Ridder, von Reichbauer, Bluechel, Murray, Scott, North and Bottiger.

President Pre Tempore Henry declared the question before the Senate to be the roll call on the amendment by Senator Bluechel.

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 Bluechel, Bottiger, Cunningham, Fleming, Francis, Goltz, Gould, Grant, Jones, Knoblauch, McDermott, Murray, North, Ridder, Sandison, Scott, von Reichbauer, Walgren, Washington, Wilson, Woody—21.

Voting nay: Senators Bailey, Beck, Benitz, Buffington, Clarke, Day, Donohue, Guess, Henry, Herr, Jolly, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Morrison, Newschwander, Odegaard, Peterson, Pullen, Rasmussen, Sellar, Talley, Van Hollebeke, Wanamaker—26.

Excused: Senators Keefe, Stortini—2.

Senator Bluechel moved adoption of the following amendment:

On page 6, line 26 strike section 4 and renumber remaining sections accordingly.

Senator Peterson moved that the amendment by Senator Bluechel be laid upon the table.

Senator Washington demanded a roll call and the demand was sustained by Senators Peterson, Matson, Knoblauch, McDermott, Fleming, Ridder, Herr, Bluechel and Murray.

The President declared the question before the Senate to be the roll call on the motion by Senator Peterson that the amendment by Senator Bluechel 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, 28; nays, 18; absent or not voting, 1; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Buffington, Clarke, Day, Donohue, Guess, Henry, Herr, Jolly, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Morrison, Newschwander, Odegaard, Peterson, Rasmussen, Sandison, Sellar, Talley, Van Hollebeke, Wanamaker, Wilson, Woody—28.

Voting nay: Senators Bluechel, Cunningham, Fleming, Francis, Goltz, Gould, Grant, Jones, Knoblauch, McDermott, Murray, North, Pullen, Ridder, Scott, von Reichbauer, Walgren, Washington—18.

Absent or not voting: Senator Bottiger—1.

Excused: Senators Keefe, Stortini—2.

Senator Marsh moved adoption of the following amendment by Senators Rasmussen and Marsh:

On page 7, line 32 after "*department*" and before the comma on line 33 strike "*or the attorney general*" and insert "*the attorney general, or any affected property owner*".

Debate ensued.

The motion by Senator Marsh carried and the amendment was adopted.

Senator Rasmussen moved adoption of the following amendment:

On page 8, line 1, after "*position(s)*" and before "*be*" on line 2 strike "*, and only those issues so made known shall*" and insert "":*PROVIDED, That all issues relating to the State Environmental Policy Act, chapter 43.21C RCW, must have been made known to that government in order to*"

Debate ensued.

The motion carried by Senator Rasmussen carried and the amendment was adopted.

Senator Bluechel moved adoption of the following amendment:

On page 7, line 32 after "*(b)*" strike all material through "*(c)*" on page 8, line 12.

Debate ensued.

Senator Herr moved that the amendment by Senator Bluechel be laid upon the table.

Senator Bluechel demanded a roll call. The demand was not sustained.

The motion by Senator Herr carried and the amendment by Senator Bluechel was laid upon the table on a rising vote.

Senator Bluechel moved adoption of the following amendment:

On page 8, line 27 after the period strike all material through the period on line 33.

Debate ensued.

POINT OF INQUIRY

Senator Bottiger: "Would Senator Washington yield to a question? Senator Washington, are you impressed with the argument that this is going to take them that much longer to make their findings of fact and conclusion of law?"

Senator Washington: "I think there is some difference. I think in Supreme Court judges, when they make the decision they make it in writing. They establish a particular point for further appeal. All I know is that is the word that I got and that if they could make a decision without that particular requirement, that they would not have too many objections to the hundred and twenty days. Now you can accept it or not. That is just what I am passing on, what they said."

Further debate ensued.

Senator North demanded a roll call and the demand was sustained by Senators Scott, Gould, Bluechel, Francis, Bailey, Murray, von Reichbauer, Herr and Van Hollebeke.

Further debate ensued.

President Pro Tempore Henry declared the question before the Senate to be the roll call on the amendment by Senator Bluechel.

ROLL CALL

The Secretary called the roll and the amendment by Senator Bluechel was not adopted by the following vote: Yeas, 16; nays, 30; absent or not voting, 1; excused, 1.

Voting yea: Senators Bluechel, Cunningham, Fleming, Francis, Gould, Grant,

Jones, Knoblauch, McDermott, Murray, North, Ridder, Scott, von Reichbauer, Walgren, Washington—16.

Voting nay: Senators Bailey, Beck, Benitz, Bottiger, Buffington, Clarke, Day, Donohue, Goltz, Guess, Henry, Herr, Jolly, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Morrison, Odegaard, Peterson, Pullen, Rasmussen, Sandison, Sellar, Talley, Van Hollebeke, Wanamaker, Wilson, Woody—30.

Absent or not voting: Senator Newschwander—1.

Excused: Senators Keefe, Stortini—2.

On motion of Senator Rasmussen, the rules were suspended, Engrossed Substitute Senate Bill No. 2734 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. 2734, and the bill passed the Senate by the following vote: Yeas, 31; nays, 16; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bottiger, Buffington, Clarke, Day, Donohue, Guess, Henry, Herr, Jolly, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Morrison, Newschwander, Odegaard, Peterson, Pullen, Rasmussen, Sandison, Sellar, Talley, Van Hollebeke, Wanamaker, Wilson, Woody—31.

Voting nay: Senators Bluechel, Cunningham, Fleming, Francis, Goltz, Gould, Grant, Jones, McDermott, Murray, North, Ridder, Scott, von Reichbauer, Walgren, Washington—16.

Excused: Senators Keefe, Stortini—2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2734, having received the 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 Lewis (Harry): "Ladies and gentlemen of the Senate, I just had circulated on your desks some information which I hope you will take a moment to look at. Yes, I had the staff do this work and I believe it is quite accurate. It brings to your attention the percentage of registered voters who voted for schools. Now many times we are used to dealing with the percentage of registered voters voting who voted for a levy against the sixty percentage required to pass. I have listed those percentages and I believe that using those percentages by themselves dissolves the real facts. In addition to that, I have shown you the percentage of registered voters who voted for levies in twenty of the big districts that lost their levy the second time. That percentage minus the number of school district employees times two, feeling that they were pretty well committed to vote for their jobs, and when deducting those school employees from the number of registered voters who voted for schools, for example, the King County average was fourteen percent of the registered voters in Lake Washington, in Kent, who actually voted for schools in the second try at a special levy. If you included the school district employees it would be twenty-one percent. I thought that these figures might have some validity. On the last page, if you will turn it over, you will note that the average of the twenty districts, we had twenty-seven percent of the registered voters who voted for schools. If you exclude the school employees, who I felt had a special interest, then eighteen percent of the registered voters in these twenty school districts voted for schools.

"I do not know exactly, I am not trying to read anything or infer anything, but I thought that—and I asked the staff to pull these figures for our perusal and I hope you will take an opportunity to look at them."

POINT OF INQUIRY

Senator Gould: "I wanted to ask Senator Lewis if he would yield to a question? I wondered if you made an effort to do two things in this survey; one is to tabulate the number of employees that lived within the district, and secondly, to tabulate the number

of employees both of whom may work for the school district, both the husband and wife, because you did multiply by two, which I assumed meant you were talking about the husband and wife both being concerned?"

Senator Lewis (Harry): "We tried. We recognized, for example, in the Lake Washington School District, that there are a substantial number of the twelve hundred and ninety-eight school district employees who do not live within Lake Washington, and so perhaps the percentage figures attributable only to Lake Washington may not quite be accurate for that reason, but I feel that the total averages are fairly accurate, Senator Gould, for the reason that there is an overlap. One district may have school teachers living in it who teach in another, we were unable to determine how many, whether men and wives worked for schools. The assumption made there was that a school teacher generally, or a certificated employee or a noncertificated employee, a bus driver or whoever it might be, that his or her spouse would probably support his position at the polls. There may be some possibility for error here because perhaps some school teachers did vote against the levy, and I cannot ascertain that."

POINT OF ORDER

Senator Grant: "I just really do not think this discussion is a point of personal privilege at all. It is nothing that affects Senator Lewis personally and I think the discussion should cease and we should proceed with the calendar and the order of business."

RULING BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "Senator Lewis agrees with Senator Grant. The point of order is well taken but the point was a little redundant. They both quit talking."

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 198, by Committee on Financial Institutions (originally sponsored by Representatives Ceccarelli, Bagnariol, Deccio and Pardini:

Amending the insurance code.

REPORT OF STANDING COMMITTEE

April 17, 1975.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 198, amending the insurance code (reported by Committee on Financial Institutions):

MAJORITY recommendation: Do pass with the following amendments:

On page 5, section 6, line 31, strike all of subsection (3) and substitute the following:

"(3) This section shall not apply with respect to any person securing and forwarding information required for the purposes of group [insurance covering the unpaid balance, or remaining payments proposed to be made, in connection with the purchase of merchandise or securities, and where no commission or other compensation is payable on account of such insurance to such person] *credit life and credit disability insurance in connection with an extension of credit and such other credit life or disability insurance lines as the commissioner shall determine, and where no commission or other compensation is payable on account of the securing and forwarding of such information: PROVIDED, That the reimbursement of a creditor's actual expenses for securing and forwarding information required for the purposes of such group insurance shall not be considered a commission or other compensation if such reimbursement does not exceed three dollars per certificate issued, or in the case of a monthly premium plan extending beyond twelve months, not to exceed three dollars per loan transaction revision per year.*"

On page 6, add a new section following section 8 as follows:

"Sec. 9. Section 5, chapter 119, Laws of 1974 ex. sess. and RCW 48.21.190 are each amended to read as follows:

RCW 48.21.160 through 48.21.190 and 48.44.240 *as now or hereafter amended* shall not apply to the renewal of a contract in force prior to the pertinent date provided for such contract under RCW 48.21.160 through 48.21.190 and 48.44.240 *as now or hereafter amended* where there exists a right of renewal *on the part of the insured or subscriber* without any change in any provision of the contract; *PROVIDED FURTHER, That RCW 48.21.160 through 48.21.190 and 48.44.240 as now or hereafter amended shall not apply to contracts which provide only accident coverage, nor to any contract written as supplemental coverage to any federal or state programs of health care including, but not limited to, Title XVIII health insurance for the aged (commonly referred to as Medicare, Parts A. and B), and amendments thereto."*

Renumber the remaining sections consecutively.

On page 10, add new sections following old-numbered section 11 as follows:

"Sec. 13. Section 4, chapter 119, Laws of 1974 ex. sess. and RCW 48.44.240 are each amended to read as follows:

Each *group* contract for health care services which is entered into, or renewed, on or after [January 1, 1975] *the effective date of this 1975 amendatory act* between a health care service contractor and the person or persons to receive such care shall contain provisions providing benefits for the treatment of alcoholism rendered to such person or persons by an alcoholic treatment facility which is an "approved treatment facility" under RCW 70.96A.020(2).

NEW SECTION. Sec. 14. The purpose of sections 14 through 18 of this 1975 amendatory act is to provide reasonable standardization and simplification of terms and coverages of individual disability insurance policies to facilitate public understanding and comparison, to eliminate provisions contained in individual disability insurance policies which may be misleading or unreasonably confusing in connection either with the purchase of such coverages or with the settlement of claims, and to provide for full disclosure in the sale of disability coverages.

NEW SECTION. Sec. 15. There is added to chapter 48.20 RCW a new section to read as follows:

The commissioner shall issue regulations to establish specific standards, including standards of full and fair disclosure, that set forth the manner, content, and required disclosure for the sale of individual policies of disability insurance which shall be in addition to and in accordance with applicable laws of this state, including RCW 48.20.032, which may cover but shall not be limited to:

- (1) Terms of renewability;
- (2) Initial and subsequent conditions of eligibility;
- (3) Nonduplication of coverage provisions;
- (4) Coverage of dependents;
- (5) Preexisting conditions;
- (6) Termination of insurance;
- (7) Probationary periods;
- (8) Limitations;
- (9) Exceptions;
- (10) Reductions;
- (11) Elimination periods;
- (12) Requirements for replacement;
- (13) Recurrent conditions; and

(14) The definition of terms including but not limited to the following: Hospital, accident, sickness injury, physician, accidental means, total disability, partial disability, nervous disorder, guaranteed renewable, and noncancellable.

NEW SECTION. Sec. 16. There is added to chapter 48.20 RCW a new section to read as follows:

(1) The commissioner shall issue regulations to establish minimum standards for benefits under each of the following categories of coverage in individual policies, other

than conversion policies issued pursuant to a contractual conversion privilege under a group policy, of disability insurance:

- (a) Basic hospital expense coverage;
- (b) Basic medical-surgical expense coverage;
- (c) Hospital confinement indemnity coverage;
- (d) Major medical expense coverage;
- (e) Disability income protection coverage;
- (f) Accident only coverage; and
- (g) Specified disease or specified accident coverage.

(2) Nothing in this section shall preclude the issuance of any policy which combines two or more of the categories of coverage enumerated in items (a) through (f) of subsection (1) of this section.

(3) No policy shall be delivered or issued for delivery in this state which does not meet the prescribed minimum standards for the categories of coverage listed in items (a) through (g) of subsection (1) of this section, unless the commissioner finds such policy will be in the public interest and such policy meets the requirements set forth in RCW 48.18.110.

(4) The commissioner shall prescribe the method of identification of policies based upon coverages provided.

NEW SECTION. Sec. 17. There is added to chapter 48.20 RCW a new section to read as follows:

(1) No policy of individual disability insurance shall be delivered or issued for delivery in this state unless an outline of coverage described in subsection (2) of this section is furnished to the applicant in accord with such rules or regulations as the commissioner shall prescribe.

(2) The commissioner shall prescribe the format and content of the outline of coverage required by subsection (1) of this section. "Format" means style, arrangement, and overall appearance, including such items as the size, color, and prominence of type and the arrangement of text and captions. Such outline of coverage shall include:

- (a) A statement identifying the applicable category or categories of coverage provided by the policy as prescribed in section 15 of this 1975 act;
- (b) A description of the principal benefits and coverage provided in the policy;
- (c) A statement of the exceptions, reductions and limitations contained in the policy;
- (d) A statement of the renewal provisions including any reservation by the insurer of a right to change premiums; and
- (e) A statement that the outline is a summary of the policy issued or applied for and that the policy should be consulted to determine governing contractual provisions.

NEW SECTION. Sec. 18. There is added to chapter 48.20 RCW a new section to read as follows:

Notwithstanding the provisions of RCW 48.20.052, if an insurer elects to use a simplified application form, with or without a question as to the applicant's health at the time of application, but without any questions concerning the insured's health history or medical treatment history, the policy must cover any loss occurring after twelve months from any preexisting condition not specifically excluded from coverage by terms of the policy, and, except as so provided, the policy shall not include wording that would permit a defense based upon preexisting conditions.

NEW SECTION. Sec. 19. There is added chapter 48.21 RCW a new section to read as follows:

(1) No group disability insurance policy which provides benefits for hospital, medical, or surgical expenses shall be delivered or issued for delivery in this state after the effective date of this 1975 act which contains any provision whereby the insurer may reduce or refuse to pay such benefits otherwise payable thereunder solely on account of the existence of similar benefits provided under any individual disability insurance policy, or under any individual health care service contract.

(2) No group disability insurance policy providing hospital, medical or surgical

expense benefits and which contains a provision for the reduction of benefits otherwise payable thereunder on the basis of other existing coverages, shall provide that such reduction will operate to reduce total benefits payable below an amount equal to one hundred percent of total allowable expenses. The commissioner shall by rule establish guidelines for the application of this section, including: (a) The procedures by which persons insured under such policies are to be made aware of the existence of such a provision; (b) the benefits which may be subject to such a provision; (c) the effect of such a provision on the benefits provided; (d) establishment of the order of benefit determination; and (e) reasonable claim administration procedures to expedite claim payments under such a provision.

(3) The provisions of this section shall apply to health care service contractor contracts."

Renumber remaining section as section 20.

On page 1, line 13 of the title, after "560;" and before "amending" on line 14 insert "amending section 5, chapter 119, Laws of 1974 ex. sess. and RCW 48.21.190;"

On page 1, line 19 of the title, after "090;" strike the remainder of the title down to and including the period on line 20 and insert "amending section 4, chapter 119, Laws of 1974 ex. sess. and RCW 48.44.240; adding new sections to chapter 48.20 RCW; and adding a new section to chapter 48.21 RCW."

Signed by: Senators Woody, Chairman; Clarke, Jones, Walgren.

The bill was read the second time by sections.

On motion of Senator Woody, the committee amendments were adopted.

On motion of Senator Woody, the following amendment was adopted:

On page 1, on line 22 and after the enacting clause, insert a new section to read as follows:

"Section 1. Section 11, chapter 212, Laws of 1959 and RCW 31.08.175 are each amended to read as follows:

(1) No licensee shall require the purchasing of property insurance from the licensee or any employee, affiliate, or associate of the licensee or from any agent, broker, or insurance company designated by the licensee as a condition precedent to the making of a loan nor shall any licensee decline existing insurance which meets or exceeds the standards set forth in this section.

The licensee may require a borrower to insure tangible property offered as security for a loan hereunder against any substantial risk of loss, damage, or destruction for an amount not to exceed the reasonable value of the property insured or the amount of the loan and for the customary term approximating the term of the loan contract: **PROVIDED**, That no licensee hereunder may require such insurance on loans in an amount less than three hundred dollars. It shall be optional with the borrower to obtain such insurance in an amount greater than the amount of the loan or for a longer term. The premium for such insurance shall not exceed that fixed by current applicable manual of a recognized standard insurance rating bureau and such insurance shall be written by or through a duly licensed insurance agent or broker.

(2) A licensee may insure the life of one borrower, but only one of them if there are two or more obligors, for the unpaid principal balance scheduled to be outstanding; and regardless of the premium paid by the licensee, the licensee may charge not more than sixty cents per one hundred dollars per year computed on the original principal amount of the loan, excluding charges for the loan, when the loan contract requires substantially equal and consecutive monthly installments of principal and charges combined, and such charge may be in the same proportions for different payment schedules, maturities, and principal amounts: **PROVIDED, HOWEVER**, That if both husband and wife sign an obligation to repay the loan, each may be an insured borrower hereunder and a single identifiable insurance charge may be made by the licensee for the two jointly under a plan whereby both lives are insured but a death benefit is paid only upon the death of the spouse dying first. For such joint spouse coverage, the licensee may charge not more than one dollar per one hundred dollars per year computed on the same basis as herein prescribed for life insurance on one borrower. Such charge may be deducted from the principal of the loan when the loan is made. Only one such charge may

oe made in connection with any loan contract irrespective of the number of obligors, and only one obligor need be insured. If the insured obligor dies during the term of the loan contract, the insurance must pay the principal balance of the loan outstanding on the day of his death without any exception or reservation. The insurance shall be in force as soon as the loan is made. If the loan contract is prepaid in full by cash, a new loan, renewal, refinancing, or otherwise, a portion of such life insurance charge shall be rebated according to the method established in paragraphs (a) and (b) of subsection (3) of RCW 31.08.160. When charges for the loan are precomputed in accordance with subsection (3) of RCW 31.08.160, any required rebate and any permitted deferment charge may be computed on the combined total of the precomputed charge and the life insurance charge.

(3) If a borrower procures any insurance by or through a licensee, the statement required by RCW 31.08.170 shall disclose the cost to the borrower and the type of insurance, and the licensee shall cause to be delivered to the borrower a copy of the policy, certificate, or other evidence thereof within a reasonable time.

Notwithstanding any other provision of this chapter, any gain or advantage in any form whatsoever to the licensee or to any employee, affiliate, or associate of the licensee from any insurance or its sale or provision shall not be deemed to be additional or further interest, consideration, charges, or fee in connection with such loan.

Nothing in this section shall be deemed to alter, amend or repeal any provision of the insurance code.

No insurance shall be required, requested, sold, or offered for sale in connection with any loan made under this chapter, except as and to the extent authorized by this section."

Re-number remaining section consecutively.

On motion of Senator Woody, the committee amendments to the title were adopted.

On motion of Senator Woody, the following amendment to the title was adopted:

In the title, line 1, after "insurance;" and before "amending", insert: "amending section 11, chapter 212, Laws of 1959 and RCW 31.08.175;"

MOTION

On motion of Senator Day, Engrossed Substitute House Bill No. 198, as amended by the Senate, was ordered to hold its place on the second reading calendar for Thursday, May 15, 1975.

MOTION

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

MOTION FOR RECONSIDERATION

Having voted on the prevailing side and having made the motion for reconsideration on the previous day, Senator Mardesich moved that the Senate do now reconsider the vote by which Engrossed Substitute House Bill No. 32, as amended by the Senate, passed the Senate on May 13, 1975.

PARLIAMENTARY INQUIRY

Senator Bailey: "What was the vote by which House Bill 32 passed?"

REPLY BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "Twenty-nine to seventeen. Twenty-nine yeas, seventeen noes."

The motion for reconsideration carried.

MOTION

On motion of Senator Mardesich, the rules were suspended and Engrossed Substitute House Bill No. 32, as amended by the Senate, was returned to second reading.

On motion of Senator Mardesich, the following amendment by Senators Mardesich and Morrison was adopted:

On page 5, beginning on line 16, strike all the matter down through line 22.

On motion of Senator Mardesich, the rules were suspended, Engrossed Substitute House Bill No. 32, 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. 32, as amended by the Senate, and the bill passed the Senate, on reconsideration, by the following vote: Yeas, 29; nays, 13; absent or not voting, 5; excused, 2.

Voting yea: Senators Bailey, Beck, Buffington, Day, Donohue, Fleming, Francis, Goltz, Grant, Henry, Herr, Jolly, Knoblauch, Lewis (Harry), Mardesich, Marsh, McDermott, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Scott, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington Woody—29.

Voting nay: Senators Benitz, Bluechel, Clarke, Cunningham, Gould, Guess, Jones, Lewis (R. H. "Bob"), Morrison, Newschwander, North, Pullen, Wanamaker—13.

Absent or not voting: Senators Bottiger, Matson, Murray, Sellar, Wilson—5.

Excused: Senators Keefe, Stortini—2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 32, as amended by the Senate, 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.

MOTIONS

On motion of Senator Mardesich, Senate Resolution 1975-44, regarding Dona McPhillips Couch being commissioned to paint murals in Senate Chamber, was referred to the Committee on Rules.

On motion of Senator Mardesich, the Senate returned to the first order of business.

REPORTS OF STANDING COMMITTEES

May 14, 1975.

ENGROSSED HOUSE BILL NO. 526, giving added responsibility and authority to intermediate school districts (reported by Committee on Education):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Stortini, Chairman; Francis, Gould, McDermott, Murray, Newschwander.

Passed to Committee on Rules for second reading.

May 14, 1975.

ENGROSSED HOUSE BILL NO. 578, adding restriction on the distribution of state aid to school districts on basis of ratio of pupils per classroom teacher (reported by Committee on Education):

Recommendation: Do pass.

Signed by: Senators Stortini, Chairman; Francis, Gould, McDermott, Murray, Newschwander, von Reichbauer.

Passed to Committee on Rules for second reading.

May 13, 1975.

ENGROSSED HOUSE BILL NO. 612, revising laws relating to accountants (reported by Committee on Commerce):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Van Hollebeke, Chairman; Peterson, Ridder.

Passed to Committee on Rules for second reading.

May 14, 1975.

HOUSE BILL NO. 752, reaffirming permissible expenses school districts may expend preliminary to finalizing of budgets (reported by Committee on Education):

MAJORITY recommendation: Do pass.

Signed by: Senators Stortini, Chairman; Francis, Gould, McDermott, Murray, Newschwander.

Passed to Committee on Rules for second reading.

May 14, 1975.

ENGROSSED HOUSE BILL NO. 798, allowing supervisor of industrial insurance to authorize continuing medication necessary to alleviate pain from industrial injuries (reported by Committee on Labor):

Recommendation: Do pass.

Signed by: Senators Ridder, Chairman; Bailey, Grant, Matson, Morrison, Sellar, von Reichbauer.

Passed to Committee on Rules for second reading.

May 14, 1975.

ENGROSSED HOUSE BILL NO. 825, changing amount authorized as deferred compensation for school employees (reported by Committee on Education):

Recommendation: Do pass.

Signed by: Senators Stortini, Chairman; Francis, Gould, McDermott, Murray, Newschwander, von Reichbauer.

Passed to Committee on Rules for second reading.

May 14, 1975.

ENGROSSED HOUSE BILL NO. 1043, requiring an employer to assure a workman on temporary disability of a light duty position (reported by Committee on Labor):

MAJORITY recommendation: Do pass.

Signed by: Senators Ridder, Chairman; Bailey, Grant, Morrison, Sellar, von Reichbauer.

Passed to Committee on Rules for second reading.

INTRODUCTION AND FIRST READING

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 1007, by Committee on Ways and Means (originally sponsored by Representatives Bagnariol, Thompson, Shinpoch, Zimmerman and Eng):

Setting salaries for elected public officials.

Referred to Committee on Ways and Means.

MOTION

At 4:00 p.m., on motion of Senator Mardesich, the Senate adjourned until 11:00 a.m., Thursday, May 15, 1975.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

SIXTY-THIRD DAY**MORNING SESSION**

Senate Chamber, Olympia, Thursday, May 15, 1975.

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 Keefe and Morrison. On motion of Senator Knoblauch, Senator Keefe was excused.

The Color Guard, consisting of Pages Catherine Douglass and David Johnson, presented the Colors. Reverend Al Hulten, pastor of Evergreen Christian Center of Olympia, offered the following prayer:

"FATHER, WE THANK YOU ON THIS THURSDAY MORNING FOR YOUR BLESSINGS IN OUR LIVES AND IN OUR LAND. THANK YOU FOR THE FREEDOM TO PRAY OPENLY AS WE BEGIN THIS LEGISLATIVE DAY. THANK YOU FOR THE SAFE RETURN OF THE CREW OF THE MALAGUEZ. STRENGTHEN AND COMFORT THE FAMILIES OF THE TWO MARINES WHO LOST THEIR LIVES IN THIS INCIDENT.

"YOU HAVE TOLD US TO PRAY FOR THOSE WHO ARE IN PLACES OF LEADERSHIP. AND SO THIS MORNING WE WOULD LIFT TO YOU THESE OUR STATE SENATORS. IN THIS DAY AND AGE WHEN MANY ARE CONCERNED WITH DOING THEIR OWN THING AND FEW ARE CONCERNED WITH DOING THE WILL OF GOD, I PRAY THAT YOU WILL GIVE THESE MEN WISDOM TO KNOW WHAT IS RIGHT. GIVE THEM COURAGE TO DO WHAT IS RIGHT, AND GIVE THEM STRENGTH TO STAND AGAINST THOSE WHO WOULD ASK THEM TO DO LESS. IN JESUS' NAME I ASK THESE THINGS. AMEN."

MOTION

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

MOTION

At 11:15 a.m., on motion of Senator Mardesich, the Senate recessed until 12:45 p.m.

AFTERNOON SESSION

The President called the Senate to order at 12:45 p.m.

MOTION

At 12:48 p.m., on motion of Senator Mardesich, the Senate recessed until 1:45 p.m.

SECOND AFTERNOON SESSION

The President called the Senate to order at 1:45 p.m.

MESSAGES FROM THE HOUSE

May 14, 1975.

Mr. President: The House has passed:
 ENGROSSED HOUSE BILL NO. 519,
 ENGROSSED HOUSE BILL NO. 623, and the same are herewith transmitted.
 DEAN R. FOSTER, Chief Clerk.

May 14, 1975.

Mr. President: The House has concurred in the Senate amendments to ENGROSSED HOUSE BILL NO. 141, and has passed the bill as amended by the Senate.
DONALD R. WILSON, Assistant Chief Clerk.

May 14, 1975.

Mr. President: The Speaker has signed:
HOUSE BILL NO. 112,
HOUSE BILL NO. 141,
SUBSTITUTE HOUSE BILL NO. 389, and the same are herewith transmitted.
DEAN R. FOSTER, Chief Clerk.

May 15, 1975.

Mr. President: The Speaker has signed:
SUBSTITUTE SENATE BILL NO. 2110,
SENATE BILL NO. 2131,
SENATE BILL NO. 2143,
SECOND SUBSTITUTE SENATE BILL NO. 2235, and the same are herewith transmitted.
DEAN R. FOSTER, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:
HOUSE BILL NO. 112,
HOUSE BILL NO. 141,
SUBSTITUTE HOUSE BILL NO. 389.

MESSAGE FROM THE HOUSE

May 14, 1975.

Mr. President: The House refuses to concur in the Senate amendments to ENGROSSED HOUSE BILL NO. 172, and asks the Senate for a conference thereon, and the Speaker has appointed as the House conferees on Engrossed House Bill No. 172: Representatives Chatalas, Sommers and Nelson, and the same is herewith transmitted.
DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Rasmussen, the request of the House for a conference on Engrossed House Bill No. 172 and the Senate amendments thereto was granted.

APPOINTMENT OF CONFERENCE COMMITTEE

The President appointed as members of the Conference Committee on Engrossed House Bill No. 172 and the Senate amendments thereto: Senators Rasmussen, Wana-maker and Woody.

MOTION

On motion of Senator Rasmussen, the Conference Committee appointments were confirmed.

REPORT OF CONFERENCE COMMITTEE

May 14, 1975.

Mr. Speaker:
Mr. President:

We, of your Conference Committee, to whom was referred HOUSE BILL NO.

171, prescribing motor vehicle gross weight limits, have had the same under consideration, and we report that we are unable to agree and respectfully request the powers of Free Conference in order to amend the bill as follows:

On page 2, line 27, after "limitations" and before the period insert "*and it is not reasonable for economic or operational considerations to transport such excess weights by rail or water for any substantial distance of the total mileage applied for*"

Signed by: Senators Henry, Guess and Beck; Representatives Hansen, Douthwaite and Patterson.

MOTION

On motion of Senator Beck, the report of the Conference Committee was adopted and the committee was granted the powers of Free Conference.

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

REPORTS OF STANDING COMMITTEES

May 15, 1975.

ENGROSSED HOUSE BILL NO. 620, authorizing certain supplemental payment survivors option under state universities retirement plans when employee otherwise eligible but died without exercising option (reported by Committee on Higher Education):

Recommendation: Do pass.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Guess, Odegaard, Scott.

Passed to Committee on Rules for second reading.

May 15, 1975.

SUBSTITUTE HOUSE BILL NO. 762, establishing winter recreational parking (reported by Committee on Parks and Recreation):

Recommendation: Do pass.

Signed by: Senators Knoblauch, Chairman; Bailey, Gould, Odegaard, Wanamaker.

Passed to Committee on Rules for second reading.

May 15, 1975.

SUBSTITUTE HOUSE BILL NO. 1011, permitting transfer of and preserving rights of academic personnel of community colleges working in correctional institutions if program transferred to another community college district (reported by Committee on Higher Education):

MAJORITY recommendation: That the bill be referred to the Committee on Ways and Means without recommendation.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Odegaard, Scott.

Referred to Committee on Ways and Means.

GUBERNATORIAL APPOINTMENTS

May 15, 1975.

ELISABETH JOHNSON, to the position of member of the Board of Trustees of Community College District No. 1, Peninsula Community College, appointed by the Governor on April 4, 1975 for the term ending April 3, 1980, succeeding Harry T. Hunt (reported by the Committee on Higher Education):

Recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Guess, Odegaard, Scott.

Referred to Committee on Rules.

May 15, 1975.

JOHN R. BRUCKART, JR., to the position of member of the Board of Trustees of Community College District No. 3, Olympic Community College, appointed by the Governor on April 10, 1975 for the term ending April 3, 1980, succeeding himself (reported by the Committee on Higher Education):

Recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Guess, Odegaard, Scott.

Referred to Committee on Rules.

May 15, 1975.

DOROTHY K. HUNT, to the position of member of the Board of Trustees, Community College District No. 11, Fort Steilacoom Community College, appointed by the Governor on April 4, 1975 for the term ending April 3, 1980, succeeding Donald Matheson (reported by the Committee on Higher Education):

Recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Guess, Odegaard, Scott.

Referred to Committee on Rules.

May 15, 1975.

CATHERINE C. STIMPSON, to the position of member of the Board of Trustees of Community College District No. 21, Whatcom Community College, appointed by the Governor on April 4, 1975 for the term ending April 3, 1980, succeeding herself (reported by the Committee on Higher Education):

Recommends that said appointment be confirmed.

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Guess, Odegaard, Scott.

Referred to Committee on Rules.

INTRODUCTION AND FIRST READING

ENGROSSED HOUSE BILL NO. 519, by Representatives Pardini, Randall, Hawkins and Gilleland:

Pertaining to local business and occupation taxes.

Referred to Committee on Ways and Means.

ENGROSSED HOUSE BILL NO. 623, by Representatives Bagnariol, Sommers and Hendricks:

Permitting departmental post-audits at reasonable intervals.

Referred to Committee on State Government.

MOTION

On motion of Senator Herr, the Senate commenced consideration of Engrossed House Bill No. 42.

SECOND READING

ENGROSSED HOUSE BILL NO. 42, by Representative Kilbury:

Including irrigation districts in the interlocal cooperation act.

REPORT OF STANDING COMMITTEE

April 10, 1975.

ENGROSSED HOUSE BILL NO. 42, including irrigation districts in the interlocal cooperation act (reported by Committee on Agriculture):

Recommendation: Do pass with the following amendment:

On page 1, line 12 of the engrossed bill, being line 11 of the printed bill, before "Indian" insert "*regional planning agency created by any combination of county and city governments, health department or district, weed control district, county transit authority,*".

Signed by: Senators Jolly, Chairman; Benitz, Day, Sellar, Wilson.

The bill was read the second time by sections.

On motion of Senator Jolly, the committee amendment was adopted.

Senator North moved adoption of the following amendment:

On page 1, line 12 of the engrossed bill, being line 11 of the printed bill, after "*library districts,*" insert "*public hospital districts,*".

POINT OF INQUIRY

Senator Woody: "Would Senator North yield? If a public hospital district were to be permitted in with your amendment and were to enter into an interlocal cooperation agreement, would there be any possibility that that could adversely affect their bonds that they have already issued?"

Senator North: "No, Senator Woody. It is my understanding that it is perfectly all right."

The motion by Senator North carried and the amendment was adopted.

On motion of Senator Jolly, the rules were suspended, Engrossed House Bill No. 42, 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. 42, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; nays, 1; absent or not voting, 4; excused, 1.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Fleming, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rider, Sandison, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—43.

Voting nay: Senator Rasmussen—1.

Absent or not voting: Senators Donohue, Francis, Scott, Sellar—4.

Excused: Senator Keefe—1.

ENGROSSED HOUSE BILL NO. 42, 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.

POINT OF INQUIRY

Senator Bluechel: "Would Senator Herr please explain the procedure we are using? That he is following?"

Senator Herr: "What procedure, Senator?"

Senator Bluechel: "That is what I was asking, Senator."

Senator Herr: "Things have happened in the last two hours in our caucus and I received a majority vote to be majority leader for ten minutes."

Senator Bluechel: "First, let me congratulate you and second, let me ask who is the majority leader for the next ten minutes?"

Senator Herr: "Well, we would have to caucus."

MOTION

On motion of Senator Lewis (R. H. "Bob"), Senator Newschwander was excused.

MOTION

On motion of Senator Herr, the Senate commenced consideration of House Bill No. 189.

SECOND READING

HOUSE BILL NO. 189, by Representatives Bagnariol and Polk:

Authorizing water district commissioners to establish mileage reimbursement for official travel.

REPORT OF STANDING COMMITTEE

April 28, 1975.

HOUSE BILL NO. 189, authorizing water district commissioners to establish mileage reimbursement for official travel (reported by Committee on Local Government):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 26, after "[mile]" insert "*at the mileage rate authorized in RCW 43.03.060*".

Signed by: Senators Fleming, Chairman; Jolly, Lewis (R. H. "Bob"), Sellar, Talley, Wilson.

The bill was read the second time by sections.

Senator Fleming moved adoption of the committee amendment.

Senator Fleming moved adoption of the following amendment to the committee amendment:

Amend the committee amendment to page 1, line 26, as follows:

After "*RCW 43.03.060*" insert "*as now existing or hereafter amended*".

PARLIAMENTARY INQUIRY

Senator Bailey: "Do we amend bills by saying 'or as hereafter amended'?"

REPLY BY THE PRESIDENT

The President: "The President believes that that is standard language, Senator Bailey."

The motion by Senator Fleming carried and the amendment to the committee amendment was adopted.

The motion by Senator Fleming carried, and the committee amendment, as amended, was adopted.

On motion of Senator Fleming, the rules were suspended, House Bill No. 189, 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 Grant: "Would Senator Fleming yield to a question? Senator Fleming, I am somewhat confused now. This relates to water districts, does it not? And it is not a labor bill, it is a water district bill, is it not?"

Senator Fleming: "Mr. President, answering Senator Grant's inquiry, this is a water district bill, but from the information that we have gathered in committee that they do a lot of labor out there in those water districts."

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 189, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 41; nays, 1; absent or not voting, 5; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Fleming, Goltz, Gould, Guess, Herr, Jolly, Jones, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—41.

Voting nay: Senator Grant—1.

Absent or not voting: Senators Donohue, Francis, Henry, Lewis (Harry), Scott—5.

Excused: Senators Keefe, Newschwander—2.

HOUSE BILL NO. 189, 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 Knoblauch, Senator Stortini was excused.

On motion of Senator Lewis (R. H. "Bob"), Senator Sellar was excused.

MOTION

On motion of Senator Herr, the Senate commenced consideration of Engrossed House Bill No. 338.

SECOND READING

ENGROSSED HOUSE BILL NO. 338, by Representatives Savage, Freeman and Matthews (by Department of Labor and Industries request):

Revising electricians' licensing requirements.

The bill was read the second time by sections.

On motion of Senator Ridder, the rules were suspended, Engrossed House Bill No. 338 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. 338, and the bill passed the Senate by the following vote: Yeas, 41; nays, 1; absent or not voting, 4; excused, 3.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—41.

Voting nay: Senator Fleming—1.

Absent or not voting: Senators Bottiger, Donohue, Francis, Scott—4.

Excused: Senators Keefe, Sellar, Stortini—3.

ENGROSSED HOUSE BILL NO. 338, having received the 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 Herr, the Senate commenced consideration of House Bill No. 339.

SECOND READING

HOUSE BILL NO. 339, by Representatives Savage, Matthews and Freeman (by Department of Labor and Industries request):

Modifying plumber apprentice requirements.

The bill was read the second time by sections.

On motion of Senator Ridder, the rules were suspended, House Bill No. 339 was advanced to third reading, the second reading considered the third, and the bill passed the Senate by the following vote: Yeas, 42; absent or not voting, 4; excused, 3.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke,

Cunningham, Day, Fleming, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—42.

Absent or not voting: Senators Donohue, Francis, Newschwander, Scott—4.

Excused: Senators Keefe, Sellar, Stortini—3.

HOUSE BILL NO. 339, having received the 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 Knoblauch, Senator Donohue was excused.

MOTION

On motion of Senator Herr, the Senate commenced consideration of Substitute House Bill No. 409.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 409, by Committee on Commerce (originally sponsored by Representatives Barnes, Hansen, Haussler and Curtis:

Classifying electrician licenses as general and specialty.

The bill was read the second time by sections.

On motion of Senator Van Hollebeke, the rules were suspended, Substitute House Bill No. 409 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Wilson: "Would Senator Van Hollebeke yield? My question, Senator, pertains to the small towns of the state. You know, where we are lucky to have one electrician and he is a fellow who has to be able to do everything and so forth, and the question asked, whether there is anything in this bill that is making it more difficult on such people to become properly licensed or is there anything in this bill that would in any way tend to impair their ability to take care of the normal electrical and wiring needs of the smaller community?"

Senator Van Hollebeke: "No, it would not. My memory has been jogged here, Senator Wilson. This is just an attempt to break it down into two classifications, recognizing that one will be doing smaller jobs and will have lesser requirements, and that, I think, is not an oversimplification of the bill, and I do not think it would have that effect."

POINT OF INQUIRY

Senator Rasmussen: "Would Senator Van Hollebeke yield to a question? My question is, I do not know who agreed to the bill."

Senator Van Hollebeke: "I guess I asked for that."

Senator Rasmussen: "But I understand that you are going to break the electrical trade down into a specialty and general. Could you tell me how general that is going to be, if you are going to limit a person to working on fifty volts direct current or one hundred and ten volt or two-twenty or four-forty? What would the limitations be?"

Senator Van Hollebeke: "The bill does not attempt to get into that kind of detail."

Senator Rasmussen: "What is the purpose?"

Senator Van Hollebeke: "I do not think that is an oversimplification, breaking it down into two classifications and requiring different bonding for those two classifications, recognizing that one is going to be doing smaller jobs than the other."

Senator Rasmussen: "That is my question. I can understand that if they are handling six hundred thousand volts on a high pole, that you probably have to be specialized in that a little bit more than if you are only handling a hundred and ten volts on the ground, but the bill does not make it exactly clear to me why they are breaking it down."

Senator Guess: "Senator Rasmussen, if Senator Van Hollebeke would not mind, I would like to address the question that you asked. What the bill will permit is the department and the advisory board to come up with a series of regulations and they will divide the field up into that which is starting with the simple house type of wiring, then it goes on up into the very highly complex electronic wiring, and then the other branch of the trade will be into the ultra-high frequencies and the ultra-high voltages. Now the department will administer the examination and a person can be a specialist in one particular field without having to know the entire general field. A general contractor will have to have a general license and he will have to have an expertise in the whole range, and I think this is a better approach because we have found out by the bill that we passed last time that in the first place we took the grandfather clause out of it and those people who had been general contractors and general electricians had gotten into a rut. They had not followed the very complex type of electronic wiring that you are getting into now in some of the more sophisticated plants, and so they break this thing into the various specialties. The law does say that a man can have more than one specialty after taking the examination, but paying only one fee."

Senator Rasmussen: "Then, Senator Guess, what you are telling me, if I wish to go to work for Boeing, I would have to show that I am qualified to wire a schram missile rather than being able to wire just an ordinary 747?"

Senator Guess: "You did not pick a very good example, Senator Rasmussen, because . . ."

Senator Rasmussen: "They are both made by Boeing."

Senator Guess: "No, I do not mean that. This is very highly complex and it would not — what they would do in a house is a little bit different thing from when you are working for the public. Say you are an electrical contractor and you are called out to wire one of the totally automated cement plants. You would have a specialty in this type of wiring and would not have to have a specialty in high voltage because the electronic components and the operation of the silos, the gates, and all of this is low voltage. This would be twenty-four volts so you could qualify by working in the twenty-four volt field, but you would not have to have the six hundred thousand volt license."

Senator Rasmussen: "I am still very undecided about it, Senator Guess. Thank you for your explanation."

Debate ensued.

POINT OF INQUIRY

Senator Bailey: "Would Senator Guess yield? Senator Guess, I had concerns over the Governor's veto of the grandfather clause and on page 4, about lines 7 and 8 it says, 'or alternately the applicant was a duly licensed electrical contractor at any time during 1974.' Now the question I have to ask is, prior to the passage of the act in 1974, was there any electrical license?"

Senator Guess: "Yes, sir, there was."

Senator Bailey: "There was an electrical contractor's license prior to the passage of the act in 1974?"

Senator Guess: "Yes, sir, but the difference was, Senator, that those people who had come in and had been licensed at that time were grandfathered but there was a large group of people who had never bothered to license because it was not mandatory. The law of 1973 made it mandatory so you had two classes of people in the trade, those who were licensed and those who were not."

Senator Bailey: "Mr. President, Senator Guess has talked about an issue that I think we are trying to get at here as much as anything else and I am a little concerned, not about what the industry agrees to, they have always wanted a license and they wanted strict control over the electricians. I am not so concerned in what the depart-

ment wants because they have never shown any concern for anyone except they create a few new inspectors down there and start running around charging fees. Now I am concerned about the electrician who operates in a small town and who is a single operator. He works by himself as a rule. He is a qualified electrician. I am concerned whether or not this electrician had a license during 1974 when the Governor vetoed that out. I am concerned about whether we are just protecting those people who came under the law after the Governor vetoed it, and this is the question I would like to have answered, because as I read this, it grandfathered to a certain extent but it looks like about a half a grandfather instead of a full one."

Senator Guess: "Senator Bailey, I think that you would find that the law in effect does make it possible for those people, as I say, who have devoted themselves to house wiring. They can now pass a simple examination that will be given to them. It also grandfathered in those people who have had a license in 1974. Some people went ahead and took the exam. Now they will not have to take the exam over again, as I understand the bill. Now I may be wrong on that particular portion of it."

MOTION

Senator Bailey moved that Substitute House Bill No. 409 be held for further consideration on Friday, May 16, 1975.

Debate ensued.

POINT OF INQUIRY

Senator Washington: "Would perhaps either Senator Guess or Senator Morrison yield? Do I understand that the person who was an electrician who, say, specialized in home wiring and relatively simple wiring, even though he was not licensed, if he was in business that he will be grandfathered in?"

Senator Guess: "Senator Washington, that is not what the bill says. I do not want to mislead you. The examination will be so easy that he will be able to take it and pass it. Now I have been assured by the department over there and in talking with John. He says that anybody can pass the thing as long as he knows how to strip a wire and twist a nut. So house wiring is in general easy to follow. The plans and specifications and blueprints are there so that they can follow them. The bill says if they were licensed in 1974, then they are grandfathered in. It does not say if they were electricians in business last year they are grandfathered in, but I assure you they can pass the exam."

Further debate ensued.

POINT OF INQUIRY

Senator Van Hollebeke: "I would like to get a further comment, if Senator Bailey would yield to a question, please. I am not sure whether you are satisfied on this yet, and I have no objection to its being moved back a day if you are still not satisfied."

Senator Bailey: "I would feel better if the bill were held over until morning, although I do see Senator Morrison's point that it should be passed. But I am just concerned about a group that I think — maybe Senator Murray is satisfied — may not have had this type of registration in 1974, that we are forcing them into something that we did not want to do when we passed the original law in 1974 and the Governor vetoed that portion out. It probably is all right as it is, but I would feel better if I asked a question or two tonight."

MOTION

On motion of Senator Bailey, Substitute House Bill No. 409 was made a special order of business for 11:00 a.m., Friday, May 16, 1975.

MOTION

On motion of Senator Herr, the Senate commenced consideration of Engrossed House Bill No. 388.

SECOND READING

ENGROSSED HOUSE BILL NO. 388, by Representatives Deccio, Flanagan, Kilbury, Hawkins, Nelson, Whiteside, Dunlap, Bond and Eng: Permitting the sheriff to determine the method of serving papers.

REPORT OF STANDING COMMITTEE

May 1, 1975.

ENGROSSED HOUSE BILL NO. 388, permitting the sheriff to determine the method of serving papers (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendment:

Strike all material after the enacting clause and insert the following:

"Section 1. Section 73, page 236, Laws of 1854 as last amended by section 4, page 119, Laws of 1888 and RCW 12.12.060 are each amended to read as follows:

[The justice shall thereupon issue a summons for the jury, in which the following form shall be observed in substance:

THE STATE OF WASHINGTON,)
) ss.
County of.)

The state of Washington to the Sheriff or any Constable of said county:

You are hereby commanded to summon to appear before me, at my office in precinct, said county, on the day of, A.D. 19 at o'clock in the noon, to serve as jurors in a case pending before me, then and there to be tried. And this they shall in nowise omit: And have you then and there this writ, with your doings thereon.

Given under my hand this, the day of, A.D.

A. B.

Justice of the Peace.

Which summons shall be personally served upon the persons named, and the same shall be returned, with the names of the persons summoned, at the time appointed for the trial of the cause.] The justice shall thereupon issue or cause to be issued a summons for the jury, which summons shall be served personally or by certified mail upon the persons named."

Signed by: Senators Francis, Chairman; Buffington, Jones, Marsh, Scott, Woody.

On motion of Senator Woody, the committee amendment was adopted.

On motion of Senator Woody, the rules were suspended, Engrossed 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.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 388, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 1; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—46.

Absent or not voting: Senator Fleming—1.

Excused: Senators Keefe, Stortini—2.

ENGROSSED 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.

SECOND READING

ENGROSSED HOUSE BILL NO. 423, by Representatives Laughlin, Bagnariol, Flanagan, Schumaker, Fortson and O'Brien:

Requiring that notice of a correction made to assessment of property be mailed by the assessor to the taxpayer by certified rather than registered mail.

The bill was read the second time in full.

Senator Bailey moved that the rules be suspended, Engrossed House Bill No. 423 be advanced to third reading, the second reading considered the third, and the bill be placed on final passage.

POINT OF INQUIRY

Senator Rasmussen: "Will Senator Bailey yield to a question? Senator Bailey, this bill requires a notice of correction made to assessment. The question I want to ask you is, you seem familiar with the bill, Senator Bailey. I change my request to Senator Woody. Do we now require, Senator Woody, that the mortgage company which gets the tax statement send it to the owner or the purchaser?"

Senator Woody: "There is no current statutory requirement for that."

Senator Rasmussen: "Would not this be a good bill to make that amendment to? The reason, I thought we passed a few years back a requirement that the property purchaser would receive notice of the taxes or at least a duplicate copy, but apparently they are not getting it as yet."

Senator Woody: "Under the existing language, the assessor has to mail this notice to the taxpayer. Now the taxpayer is not the mortgage company or the bank. The taxpayer is the property owner, even though the reserve account may be accumulated by the mortgage company or bank."

Senator Rasmussen: "I wonder if you would mind holding this over one day so we could check that, because they are not getting that, they tell me."

Senator Woody: "I have no objections to holding it over one day."

MOTION

On motion of Senator Rasmussen, Engrossed House Bill No. 423 was ordered held on the second reading calendar for Friday, May 16, 1975.

MOTION

Senator Lewis (Harry): "Mr. President, I move that the Senate now consider House Bill No. 468."

Senator Bailey: "I think you would have to suspend the rules. I think we should either dispose of House Bill No. 464 or carry it over. That would be the proper motion."

Senator Lewis (Harry): "Senator Bailey, we agreed that any objections to a bill. We have had an objection, and perhaps I did not use the right procedure. I did not get a chance to explain it to you, but I did not want to get started in it. We have had an objection, mine, and . . ."

Senator Bailey: "Then we will proceed to the next bill."

Senator Lewis (Harry): "Thank you, Senator Bailey."

There being no objection, House Bill No. 464 was ordered to hold its place on the second reading calendar for today.

MOTION

On motion of Senator Walgren, House Bill No. 468 was ordered to hold its place on the second reading calendar for Friday, May 16, 1975.

SECOND READING

ENGROSSED HOUSE BILL NO. 475, by Representatives Bagnariol and Gaines: Amending state higher education personnel law to allow participation of director

of the office of program planning and fiscal management on items having financial impact.

The bill was read the second time by sections.

Senator Lewis (Harry) moved adoption of the following amendment:

On page 5, line 5, after "forwarded" insert "with recommended salary adjustments".

POINT OF INQUIRY

Senator Rasmussen: "Would Senator Lewis yield to a question? Senator Lewis, this is putting the Director of the Office of Program Planning and Fiscal Management on items having financial impact. A recent Supreme Court decision which has indicated that the Director of OPP and FM is the head of the pin as far as contract negotiations. We have a bill that has been proposed to remove him from that. Would this put him right back into the saddle that he does not want to be in?"

Senator Lewis (Harry): "I do not believe so, Senator Rasmussen. I think the language, without the amendment, may be all right. The language says, 'the results of such wage survey', and we are talking about surveys on salary schedules and compensation plans and so forth for governmental units. It says that the results of this wage survey shall be forwarded to the Governor and the Director for their use in preparing budgets. It is probably clear that it is meant that they can exercise judgment in what to do with those proposed salary adjustments, but I wanted it patently clear that just because there is a wage survey forwarded to the Governor and OPP and FM, that they would not automatically include that survey in that exact form, but would have the opportunity to consider it as a recommendation, which it really is, and that is the purpose of my amendment and no other."

Senator Rasmussen: "I know what your purpose is, but I think you are tying him right down tight into the saddle and he is trying to get out of it. You maybe should check with him on that because what they are afraid of is a lawsuit where they come in and recommend a salary level, the wage survey would show a salary level of a certain amount and then they recommend in the budget at a lower amount and I think that is his problem right now."

Senator Lewis (Harry): "I think perhaps Senator Marsh, Senator Woody and Senator Clarke could look at this to check the legal language but I think actually what I am doing, what my intent was, is just the reverse of what you are suggesting it does."

MOTION

On motion of Senator Marsh, Engrossed House Bill No. 475, together with the pending amendment by Senator Lewis (Harry), was ordered placed on today's calendar following House Bill No. 491.

SECOND READING

HOUSE BILL NO. 480, by Representatives Savage, Conner, Freeman, Wojahn, Matthews, Haley, McKibbin, King, May and Cochrane:

Creating the department of labor and industries revolving fund.

REPORT OF STANDING COMMITTEE

April 16, 1975.

HOUSE BILL NO. 480, creating the department of labor and industries revolving fund (reported by Committee on Labor):

Recommendation: Do pass with the following amendment:

On page 1, line 15 after "publications" and before the period insert "": PROVIDED, That every person subject to regulation by the department may upon request receive without charge one copy of any publication printed pursuant to Section 2 of this act whenever such person is affected by any statute, rule or regulation printed therein".

Signed by: Senators Ridder, Chairman; Bailey, Grant, Matson, Morrison, Sellar, von Reichbauer.

The bill was read the second time by sections.

Senator Grant moved adoption of the committee amendment.

POINT OF INQUIRY

Senator Woody: "Would Senator Grant yield? I do not mean to put you on the spot on this one in the absence of the committee chairman, but it would appear to me that perhaps you know from the committee hearing, when it said 'every person subject to regulation by the department' would include every employer in this state. And when it says that person is entitled to receive without charge one copy of any publication, does the department intend to have somebody down there keeping score and finding out whether, for example, in my law office we are regulated by the department, whether I have already gotten my one free one a year or whatever period it is?"

Senator Grant: "No, I do not believe that they are going to keep score, Senator Woody. The purpose of the amendment is that minimum numbers of publications can be made available without charge. As the bill was originally written, I think there would have been the possibility of a charge for all copies. I do not think there is going to be any scorekeeping but if there is a request, say from a single employer, for two hundred copies or one hundred and fifty copies of a certain publication, there could be a charge."

The motion by Senator Grant carried and the committee amendment was adopted.

On motion of Senator Grant, the rules were suspended, House Bill No. 480, 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 Lewis (R. H. "Bob"), Senator Matson was excused.

POINT OF INQUIRY

Senator Rasmussen: "Will Senator Grant yield to a question? Senator Grant, in the Labor Committee was it discussed as to whether or not this should be a fund within the state treasury? The reason I ask that is, a number of years ago practically every department had several revolving funds and you recall the Fisheries purchase bill that went through here, we amended that. Senator Donohue, are you listening? Senator Knoblauch thinks you are not listening, but I know you are. I am asking Senator Grant about the revolving fund concept in which the legislature decided they were going to have all of these funds within the state treasury it was possible to get there."

Senator Grant: "There was not a great deal of discussion on that, Senator Rasmussen. We do not contemplate or anticipate a great amount of revenue being generated by this measure but it does give the department the possibility of having available their publications, their rules and regulations, in sufficient quantity to inform employers and employees of this state as to rules and regulations. If, in fact, the revolving fund becomes a matter of real serious concern and does generate considerable revenue, then I think consideration should be given to it being part of the general fund, but until that time — Senator Rasmussen, are you listening to my answer? I was just wondering. You asked me a question and I wanted to get your support on this now. Until we have a big fund, I do not think we should be all that concerned about it."

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 480, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 1; excused, 3.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Wilson, Woody—45.

Absent or not voting: Senator Washington—1.

Excused: Senators Keefe, Matson, Stortini—3.

HOUSE BILL NO. 480, 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 Bailey, House Bill No. 491 was ordered to hold its place on the second reading calendar for Friday, May 16, 1975.

On motion of Senator Bailey, Engrossed House Bill No. 530 was ordered to hold its place on the second reading calendar for Friday, May 16, 1975.

SECOND READING

ENGROSSED HOUSE BILL NO. 619, by Representatives Bagnariol, Perry, Nelson, Wojahn, Moreau, Bond, Peterson, Charnley, Patterson, Clemente and Savage:

Mandating availability of materials on abuses of alcohol in public premises where sold or consumed on campuses of institutions of higher education.

REPORT OF STANDING COMMITTEE

April 9, 1975.

ENGROSSED HOUSE BILL NO. 619, mandating availability of materials on abuses of alcohol in public premises where sold or consumed on campuses of institutions of higher education (reported by Committee on Higher Education):

MAJORITY recommendation: Do pass with the following amendment:

On line 6 following "NEW SECTION." strike the remainder of the bill and insert the following:

"Section 1. The Legislature recognizes the invaluable services performed by the community alcohol centers throughout the state, which centers would view making available such educational materials as referred to in section 2 of this act as a part of their community outreach education and preventive program and for which material no fees would be charged.

NEW SECTION. Sec. 2. 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 boards of regents of the state's universities, the boards of trustees of the respective state colleges, and the boards of trustees of the respective community colleges, with the cooperation of the state board for community college education, any of which have campuses whereon the sale of alcoholic beverages is authorized, or where by rule or regulation the consumption of alcoholic beverages is permitted, shall make available at some place of prominence within the premises of any public place where alcohol is being sold or where the consumption thereof by students is authorized, educational materials on the abuses of alcohol in particular and the illnesses consequent therefrom in general: PROVIDED, That such materials shall be obtained from public or private organizations at no cost to the state."

Signed by: Senators Sandison, Chairman; Donohue, Goltz, Guess, Odegaard.

The bill was read the second time by sections.

On motion of Senator Sandison, the committee amendment was adopted.

Senator Sandison moved that the rules be suspended, Engrossed House Bill No. 619, as amended by the Senate, be advanced to third reading, the second reading be considered the third, and the bill be placed on final passage.

POINT OF INQUIRY

Senator Pullen: "Would Senator Sandison yield to a question? I thought this bill was going to be held for awhile on second reading."

Senator Sandison: "Yes, Senator. The bill was down a ways and you were not on the floor. It has been about a half hour, but if you want to put an amendment, I have no objection to moving it back to second reading."

The President: "The bill has not been advanced, as yet, Senator Sandison."

Senator Pullen: "I do have an amendment to the committee amendment which I would be willing to offer now."

The President: "The committee amendment has been adopted, Senator Pullen. It will be necessary for you to move to reconsider the vote by which the committee amendment was adopted in order to achieve your purpose."

Senator Sandison: "Would it be possible to have the amendment read so we know whether or not we want to reconsider?"

PARLIAMENTARY INQUIRY

Senator Lewis (Harry): "The Senate committee amendment has been adopted and, in effect, is now part of the bill?"

REPLY BY THE PRESIDENT

The President: "Yes, Senator."

Senator Lewis (Harry): "Would not Senator Pullen's amendment then apply as an amendment to the bill, or would it be necessary to move for reconsideration?"

REPLY BY THE PRESIDENT

The President: "The President believes it would be necessary to move for the Senate to reconsider the vote by which the amendment was adopted."

MOTION

On motion of Senator Bailey, Engrossed Substitute House Bill No. 619, as amended by the Senate, was ordered to hold its place on the second reading calendar for Friday, May 16, 1975.

SECOND READING

ENGROSSED HOUSE BILL NO. 475, by Representatives Bagnariol and Gaines:

Amending state higher education personnel law to allow participation of director of the office of program planning and fiscal management on items having financial impact.

The Senate resumed consideration of Engrossed House Bill No. 475.

The amendment by Senator Lewis (Harry), moved for adoption earlier today, was withdrawn.

On motion of Senator Lewis (Harry), the following amendment was adopted:

On page 5, line 5 of the engrossed bill, being line 4 of the printed bill, after "forwarded" insert "*with recommended salary adjustments, which recommendations shall be advisory only,*".

On motion of Senator Sandison, the rules were suspended, Engrossed House Bill No. 475, 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. 475, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 2; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—45.

Absent or not voting: Senators Grant, Murray—2.

Excused: Senators Keefe, Stortini—2.

ENGROSSED HOUSE BILL NO. 475, 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. 693, by Committee on Local Government (originally sponsored by Representatives North, Berentson, Kalich and Fortson):

Requiring advertising public contracts in a newspaper in the part of the county where the work is to be done.

The bill was read the second time by sections.

On motion of Senator Fleming, the rules were suspended, Substitute House Bill No. 693 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Francis: "Will Senator Fleming yield? Senator Fleming, I will start out my question by telling you that I am quite suspicious of this bill because it adds an additional newspaper that these notices have to be published in to what is already required. So right off the top, it adds costs to the taxpayer. Now maybe not much, but it would add costs. So I would like to ask you — first of all, I also hear what you say about the Beacon Hill News being the official county newspaper, but as far as I know, they publish these things generally in the Daily Journal of Commerce, and that is the one that these contractors all read. Now set me straight on that. Number one, what is the official county newspaper? And number two, what is the problem that the bill is actually supposed to be dealing with? And, number three, what good is the bill going to do?"

Senator Fleming: "Two or three things, and I will state them again. Maybe I was not very clear. First of all, the county legal newspaper in King County is the Beacon Hill News. That answers your first question. Secondly, Representative North, who is a primary sponsor of this measure, and the General Contractors' Association has testified on the measure further—that some of these smaller contractors, even though you have the Journal, do not necessarily take that Journal and do not necessarily follow up on what is in that Journal—the real small contractor—and they felt as though it was a problem of—for instance like in Issaquah—that if those notices were given or run in the general circulation paper that was circulated close and near the project to be let, if it was out at Issaquah, then this would give a better chance to those individuals who live in that community, an opportunity to be aware of these things and have a better opportunity to be able to do the work in their own community. There was no specific testimony against the measure. Everybody at the hearing testified in behalf of the measure. And as far as your last question, though it was not in that order, in terms of cost, I have been advised by Senator Wilson, who is familiar with the news business, that the cost of a two by five inch article or whatever it is—however they run these legal notices in one of these papers—would be minimal and so it would not be an excessive cost one way or another and it would be a little more helpful to those people in those communities, and that was the basis in which the testimony came forth."

Senator Francis: "Thank you, Senator Fleming."

Debate ensued.

MOTION

On motion of Senator Marsh, Substitute House Bill No. 693 was ordered placed on the third reading calendar for Friday, May 16, 1975.

MOTION

On motion of Senator Lewis (R. H. "Bob"), Senator Jones was excused.

SECOND READING

HOUSE BILL NO. 750, by Representatives Haussler, Amen, Charette, Newhouse, Wojahn, Lee, Lysen, Ehlers and Zimmerman:

Permitting libraries to pay in advance for books.

The bill was read the second time by sections.

On motion of Senator Sandison, the rules were suspended, House Bill No. 750 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. 750, and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 2; excused, 3.

Voting yea: Senators Bailey, Beck, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Wilson, Woody—44.

Absent or not voting: Senators Benitz, Washington—2.

Excused: Senators Jones, Keefe, Stortini—3.

HOUSE BILL NO. 750, having received the 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. 760, by Representatives Warnke and Bausch: Permitting deduction of retired allowance for payment of health care.

The bill was read the second time by sections.

On motion of Senator Day, the rules were suspended, Engrossed House Bill No. 760 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. 760, and the bill passed the Senate by the following vote: Yeas, 42; absent or not voting, 4; excused, 3.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Wilson, Woody—42.

Absent or not voting: Senators Bottiger, Mardesich, Pullen, Washington—4.

Excused: Senators Jones, Keefe, Stortini—3.

ENGROSSED HOUSE BILL NO. 760, having received the 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. 484, by Judiciary Committee (originally sponsored by Representatives Maxie, Smith (Rick), Knowles, Eikenberry and North):

Authorizing superior court judges in class AA counties to transfer to the county the administration of juvenile program.

REPORT OF STANDING COMMITTEE

May 7, 1975.

SUBSTITUTE HOUSE BILL NO. 484, authorizing superior court judges in class AA counties to transfer to the county the administration of juvenile program (reported by Judiciary Committee):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 11, after "detention," strike "duties,".

Signed by: Senators Francis, Chairman; Buffington Keefe, Scott, Van Hollebeke, Woody.

The bill was read the second time by sections.

On motion of Senator Francis, the committee amendment was adopted.

On motion of Senator Francis, the rules were suspended, Substitute House Bill No. 484, 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. 484, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 3; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, Walgren, Wanamaker, Washington, Wilson, Woody—44.

Absent or not voting: Senators Bottiger, Lewis (R. H. "Bob"), von Reichbauer—3.

Excused: Senators Keefe, Stortini—2.

SUBSTITUTE HOUSE BILL NO. 484, 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. 15, by Representatives Fischer, Jastad and Matthews:

Extending special immunities to pharmacists.

REPORT OF STANDING COMMITTEE

April 1, 1975.

ENGROSSED HOUSE BILL NO. 15, extending special immunities to pharmacists (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass with the following amendment:

On page 2, line 12, of the engrossed bill, being line 11 of the printed bill, after "RCW" and before "or" insert "*in a proceeding under chapter 18.32 RCW*".

Signed by: Senators Day, Chairman; von Reichbauer, Vice Chairman; Francis, Goltz, Gould, Herr, McDermott, North, Ridder.

The bill was read the second time by sections.

On motion of Senator Day, the committee amendment was adopted.

President Pro Tempore Henry assumed the Chair.

On motion of Senator Day, the rules were suspended, Engrossed House Bill No. 15, 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. 15, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 1; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh,

Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, Walgren, Wanamaker, Washington, Wilson, Woody—46.

Absent or not voting: Senator von Reichbauer—1.

Excused: Senators Keefe, Stortini—2.

ENGROSSED HOUSE BILL NO. 15, 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 Herr, Engrossed Substitute House Bill No. 29 was ordered placed at the end of today's second reading calendar.

On motion of Senator Odegaard, House Bill No. 806 was ordered to hold its place on the second reading calendar for Friday, May 16, 1975.

SECOND READING

HOUSE JOINT MEMORIAL NO. 15, by Representatives Bagnariol, Flanagan and Shinpoch:

Petitioning the President and the Director of the Office of Management and Budget to provide fiscal data to state legislatures on a systematic basis.

The memorial was read the second time in full.

On motion of Senator Donohue, the rules were suspended, House Joint Memorial No. 15 was advanced to third reading, the second reading considered the third, and the memorial was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of House Joint Memorial No. 15, and the memorial passed the Senate by the following vote: Yeas, 45; absent or not voting, 2; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—45.

Absent or not voting: Senators Bottiger, Jones—2.

Excused: Senators Keefe, Stortini—2.

HOUSE JOINT MEMORIAL NO. 15, having received the constitutional majority, was declared passed.

MOTION

On motion of Senator Lewis (R. H. "Bob"), Senator Guess was excused.

SECOND READING

HOUSE JOINT MEMORIAL NO. 16, by Representatives Bagnariol, Flanagan and Shinpoch:

Petitioning Congress to establish a clearing house for federal budget information necessary for formulation of state budgets.

The memorial was read the second time in full.

On motion of Senator Donohue, the rules were suspended, House Joint Memorial No. 16 was advanced to third reading, the second reading considered the third, and the memorial was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of House Joint Memorial No. 16, and the memorial passed the Senate by the following vote: Yeas, 44; absent or not voting, 2; excused, 3.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Woody—44.

Absent or not voting: Senators Sellar, Wanamaker—2.

Excused: Senators Guess, Keefe, Stortini—3.

HOUSE JOINT MEMORIAL NO. 16, having received the constitutional majority, was declared passed.

SECOND READING

HOUSE JOINT MEMORIAL NO. 17, by Representatives Bagnariol, Flanagan and Shinpoch:

Petitioning the President to assist in the establishment of continuing working relationships between state legislatures and federal departments and agencies.

The memorial was read the second time in full.

On motion of Senator Donohue, the rules were suspended, House Joint Memorial No. 17 was advanced to third reading, the second reading considered the third, and the memorial was placed on final passage.

ROLL CALL

The Secretary called the roll on the final passage of House Joint Memorial No. 17, and the memorial passed the Senate by the following vote: Yeas, 44; absent or not voting, 2; excused, 3.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Woody—44.

Absent or not voting: Senators Sellar, Wanamaker—2.

Excused: Senators Guess, Keefe, Stortini—3.

HOUSE JOINT MEMORIAL NO. 17, having received the constitutional majority, was declared passed.

MOTION

On motion of Senator Lewis (R. H. "Bob"), Senators Bluechel and Pullen were excused.

SECOND READING

HOUSE JOINT MEMORIAL NO. 18, by Representatives Kalich, Jastad, Thompson, Paris, Charette and Smith (Edward):

Requesting that the post office at Deep River not be closed.

The memorial was read the second time in full.

On motion of Senator Fleming, the rules were suspended, House Joint Memorial No. 18 was advanced to third reading, the second reading considered the third, and the memorial was placed on final passage.

POINT OF INQUIRY

Senator Wilson: "Would Senator Fleming yield? Senator Fleming, on page 1, line

29, the memorial points out that among the other business establishments in Deep River is the most efficient insurance company in the county. Could you tell me in what respect this firm is more efficient than the other insurance firms in the county?"

Senator Fleming: "Senator Odegaard has said that I have not done anything for him this session so since it is in his district I will let him answer that question."

Senator Talley: "I can answer that question. It belongs to the fellow that owns most of the county."

Senator Odegaard: "It is the only insurance company in the county."

Senator Wilson: "Then is it also the most inefficient insurance company in the county?"

Senator Odegaard: "No comment."

ROLL CALL

The Secretary called the roll on the final passage of House Joint Memorial No. 18, and the memorial passed the Senate by the following vote: Yeas, 37; nays, 4; absent or not voting, 4; excused, 4.

Voting yea: Senators Bailey, Beck, Benitz, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Goltz, Gould, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, North, Odegaard, Peterson, Pullen, Ridder, Sandison, Talley, Van Hollebeke, von Reichbauer, Walgren, Washington, Wilson, Woody—37.

Voting nay: Senators Francis, Lewis (R. H. "Bob"), Newschwander, Scott—4.

Absent or not voting: Senators Grant, Rasmussen, Sellar, Wanamaker—4.

Excused: Senators Bluechel, Guess, Keefe, Stortini—4.

HOUSE JOINT MEMORIAL NO. 18, having received the constitutional majority, was declared passed.

PERSONAL PRIVILEGE

Senator Odegaard: "Several of us thought Senator Francis was running for a state-wide office. Now we have been assured he is not, since he has voted against my little post office at Deep River and that precinct votes very heavily Democratic, Senator Francis. Just remember that at the next election."

MOTION

On motion of Senator Herr, Engrossed Substitute House Bill No. 184 was ordered to hold its place on the second reading calendar for Friday, May 16, 1975.

SECOND READING

ENGROSSED HOUSE BILL NO. 305, by Representatives Hansen, Patterson, Hurley (Margaret), Perry, Bender, Clemente, Chandler, Boldt, Fortson, Gaines, Gilleland, Laughlin and Lee:

Staggering renewal date for motor vehicle registration.

REPORT OF STANDING COMMITTEE

April 23, 1975.

ENGROSSED HOUSE BILL NO. 305, staggering renewal date for motor vehicle registration (reported by Committee on Transportation and Utilities):

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 12, Laws of 1961 and to chapter 46.16 RCW a new section to read as follows:

(1) The term "registration year" for the purposes of chapters 46.16, 82.44, and 82.50 RCW shall mean the effective period of a vehicle license issued by the department.

Such year shall commence at 12:01 a.m. on the date of the calendar year designated by the department and shall end at 12:01 a.m. on the same date of the next succeeding calendar year.

(2) Each registration year may be divided into twelve registration months. Each registration month shall commence on the day numerically corresponding to the day of the calendar month on which the registration year begins, and shall terminate on the numerically corresponding day of the next succeeding calendar month.

(3) Each registration year may be divided into four registration quarters, each consisting of three registration months. The first quarter shall commence with registration month one.

(4) Where the term "last day of the month" is utilized in chapters 46.16, 82.44, and 82.50 RCW in lieu of a specified day of any calendar month it shall mean the last day of such calendar month or months irrespective of the numerical designation of that day.

(5) In the event the final day of a registration year, quarter, or month falls on a Saturday, Sunday, or legal holiday, such period shall extend through the end of the next business day.

NEW SECTION. Sec. 2. There is added to chapter 12, Laws of 1961 and to chapter 46.16 RCW a new section to read as follows:

Notwithstanding any provision of law to the contrary, the director of the department of motor vehicles may extend or diminish vehicle license registration periods for the purpose of staggering renewal periods. Such extension or diminishment of a vehicle license registration period shall be by rule and regulation of the department of motor vehicles adopted in accordance with the provisions of chapter 34.04 RCW. Such rules may provide for the omission of any classes or classifications of vehicle from the staggered renewal system and may provide for the gradual introduction of classes or classifications of vehicles into such a system. Such rules and regulations shall provide for the collection of proportionately increased or decreased vehicle license registration fees, including tonnage fees, if applicable, and of excise or property taxes required to be paid at the time of registration.

It is the intent of the legislature that there shall be neither a significant net gain nor loss of revenue to the state general fund or the motor vehicle fund as the result of implementing a staggered vehicle registration system when compared with the revenue generated by the current registration system.

Sec. 3. Section 46.16.060, chapter 12, Laws of 1961 as last amended by section 3, chapter 170, Laws of 1969 ex. sess. and RCW 46.16.060 are each amended to read as follows:

Except as otherwise specifically provided by law for the licensing of vehicles, there shall be paid and collected annually for each [calendar] *registration* year or fractional part thereof and upon each vehicle a license fee *or, if the vehicle was previously licensed in this state and has not been registered in another jurisdiction in the intervening period, a renewal license fee. Such license fee shall be in the sum of thirteen dollars and forty cents, and such renewal fee shall be in the sum of nine dollars and forty cents: PROVIDED, HOWEVER, That the fee for licensing each house moving dolly which is used exclusively for moving buildings or homes on the highway under special permit as provided for in chapter 46.44 RCW, shall be twenty-five dollars and no other fee shall be charged for the load carried thereon.*

Sec. 4. Section 46.16.065, chapter 12, Laws of 1961 as amended by section 10, chapter 7, Laws of 1961 ex. sess. and RCW 46.16.065 are each amended to read as follows:

In lieu of the fees provided in RCW 46.16.060, private passenger car one or two-wheel trailers of two thousand pounds gross weight or less, may be licensed *upon the payment of a license fee in the sum of four dollars and fifty cents or, if the vehicle was previously licensed in this state and has not been registered in another jurisdiction in the intervening period, a renewal license fee in the sum of three dollars and twenty-five cents, but only if such trailers are to be operated upon the public highway by the owners thereof. It is the intention of the legislature that this reduced license shall be issued only*

as to trailers operated for personal use of the owners and not trailers held for rental to the public.

Sec. 5. Section 46.16.130, chapter 12, Laws of 1961 and RCW 46.16.130 are each amended to read as follows:

Whenever an application is made for a license on a motor truck, trailer, tractor, semitrailer, for hire vehicle, bus or auto stage subsequent to [March thirty-first of any calendar] *the end of the first registration quarter of any registration year*, the license fees based on gross weight or seating capacity of such vehicles shall be computed as follows:

Upon [motor] vehicles above described licensed in this state [after March thirty-first of any year, but before July first] *during the second registration quarter*, the license fees imposed by this section for such year shall be reduced by one-fourth thereof; upon vehicles licensed in this state [after June thirtieth of any year, but before October first] *during the third registration quarter*, the license fees shall be reduced by one-half thereof; and upon vehicles licensed in this state [after September thirtieth of any year] *during the fourth registration quarter*, the license fees shall be reduced by three-fourths thereof: PROVIDED, That such reductions shall not apply to special permits *nor to vehicles licensed during the immediately preceding registration year*.

Sec. 6. Section 46.16.135, chapter 12, Laws of 1961 as amended by section 7, chapter 170, Laws of 1969 ex. sess. and RCW 46.16.135 are each amended to read as follows:

Tonnage for motor trucks, trailers, tractors, pole trailers, or semitrailers having a declared gross weight in excess of twenty thousand pounds may be purchased for [quarterly periods ending on March 31st, June 30th, September 30th, and December 31st] *any registration quarter* at one-fourth of the usual annual tonnage fee: PROVIDED, That the fee for the *registration quarter* in which the vehicle is licensed shall be reduced by one twelfth of the usual tonnage fee for each full [calendar] *registration month* of the *registration quarter* that shall have elapsed at the time the vehicle is licensed. An additional fee of one dollar shall be charged by the director each time tonnage is purchased. The director is authorized to establish rules and regulations relative to the issuance and display of certificates or insignia.

No vehicle licensed under the provisions of this section shall be operated over the public highways unless the owner or operator renews the quarterly tonnage [within ten days after] *permit prior to the expiration of the existing tonnage permit*. Any person who operates any such vehicle upon the public highways after the expiration of [said ten days] *the existing tonnage permit*, shall be guilty of a misdemeanor, and in addition shall be required to purchase a tonnage *permit* for the vehicle involved at the fee covering an entire *registration year's* operation thereof, less the fees for any *registration quarter* or *registration quarters* of the *registration year* already paid. If, within five days thereafter, no license for a full *registration year* has been purchased as required aforesaid, the Washington state patrol, county sheriff, or city police shall impound such vehicle in such manner as may be directed for such cases by the chief of the Washington state patrol, until such requirement is met.

Sec. 7. Section 46.16.137, chapter 12, Laws of 1961 as last amended by section 1, chapter 172, Laws of 1974 ex. sess. and RCW 46.16.137 are each amended to read as follows:

During the months of October, November, December, January, February, and March the gross weight license for a three-axle truck, a three-axle truck tractor and a two-axle pole trailer used in combination, and a three-axle truck and two-axle trailer used in combination, when such vehicles or combinations of vehicles are licensed to the maximum gross weight provided by law and are used exclusively in the transportation of logs may be purchased for a monthly period. The fee for such a monthly license shall be one-twelfth the annual maximum gross weight fee provided for in RCW 46.16.070 and 46.16.111 or in RCW 46.16.070 and 46.16.115. For each fee so paid, other than at the time of the payment of the basic license fee, an additional fee of one dollar and fifty cents shall be charged by the director. The monthly license shall be effective [from the first day of the month in which it is purchased, through the last day of that calendar] *for*

one entire registration month. The director or his authorized agent shall issue a permit [stating the month for which the vehicle is licensed] indicating that monthly tonnage fees have been paid, which permit shall be carried in the vehicle throughout the registration month for which it is issued. The director is authorized to establish rules and regulations relative to the issuance of such permits. No vehicle licensed under the provisions of this section shall be operated over the public highways unless the owner or operator thereof [within five days after] prior to the expiration of any such monthly period applies for, and pays the required fee for, a license for an additional monthly period, a three-month period, or for the remainder of the registration year. Any person who operates any such vehicle upon the public highways after the expiration of [said five days] the existing tonnage permit, shall be guilty of a misdemeanor, and in addition shall be required to purchase a gross weight license for the vehicle involved at the fee covering an entire registration year's license for operation thereof, less the fees for any period or periods of the registration year already paid. If, within five days thereafter, no license for a full registration year has been purchased as required aforesaid, the Washington state patrol, county sheriff, or city police shall impound such vehicle in such manner as may be directed for such cases by the chief of the Washington state patrol, until such requirement is met.

Sec. 8. Section 46.16.210, chapter 12, Laws of 1961 as amended by section 1, chapter 75, Laws of 1969 ex. sess. and RCW 46.16.210 are each amended to read as follows:

(1) Upon receipt of the application and proper fee for original vehicle license, the director shall make a recheck of the application, and in the event that there is any error in the application it may be returned to the county auditor or other agent to effectively secure the correction of such error, who shall return the same corrected to the director.

(2) Application for the renewal of a vehicle license shall be made to the director or his agents, including county auditors, by the registered owner on a form prescribed by the director. The application must be accompanied by the certificate of registration for the last registration period in which the vehicle was registered in Washington unless the applicant submits a preprinted application mailed from Olympia, and the payment of such license fees and excise tax as may be required by law. Such application shall be handled in the same manner and the fees transmitted to the state treasurer in the same manner as in the case of an original application. Any such application which upon validation becomes a renewal certificate need not have entered upon it the name of the lien holder, if any, of the vehicle concerned.

(3) Persons expecting to be out of the state during the *normal forty-five day renewal period [from January 1st through February 1st may, not earlier than December 1st, but prior to January 1st,] of a vehicle license may secure renewal of [a] such vehicle license for a period of thirty days prior thereto* and have license plates or tabs preissued by making application to the director or his agents upon forms prescribed by the director. The application must be accompanied by the certificate of registration for the last registration period in which the vehicle was registered in Washington and be accompanied by such license fees, including a special handling fee of [one dollar; fifty cents] *two dollars; one dollar* to be retained by the issuing agency, and [fifty cents] *one dollar* to be deposited in the highway safety fund, and excise tax as may be required by law.

Sec. 9. Section 46.16.220, chapter 12, Laws of 1961 as amended by section 9, chapter 170, Laws of 1969 ex. sess. and RCW 46.16.220 are each amended to read as follows:

Vehicle licenses and vehicle license number plates may be [issued] *renewed* for the [current] *subsequent* registration [licensing period] *year* on and after the [first] *forty-fifth day [thereof] prior to the end of the current registration year* and must be used and displayed from the date of issue or from the [thirty-fifth] day [after] *of the expiration of the preceding [licensing period] registration year, whichever date is later: PROVIDED, That in no case shall a citation be issued for nonregistration prior to the first day of the month following the calendar month in which vehicle licenses and vehicle license number plates are to be renewed.*

Sec. 10. Section 46.16.320, chapter 12, Laws of 1961 as last amended by section 1, chapter 206, Laws of 1969 ex. sess. and RCW 46.16.320 are each amended to read as follows:

Every person having a valid official amateur radio operator's license issued for a term of five years by the federal communications commission, is entitled to apply to the director for, and upon satisfactory showing to receive, in lieu of the regular motor vehicle license plates similar plates bearing the official amateur radio call letters of the applicant assigned by the federal communications commission instead of numbers.

In addition to the annual license fee collected under chapter 46.16 RCW and chapter 82.44 RCW, there shall be collected from each applicant for such special license plates an additional license fee of five dollars upon the issue of a state plate but shall not apply on those years that a yearly tab is issued. Such special fee shall be deposited in the motor vehicle fund. Application for renewal of the amateur radio operator's call license plate must be made [by January 10th of each renewal] *no later than twenty days prior to the end of each registration year*, and all such applications shall be accompanied by a notarized statement of facts included on the amateur's valid FCC license.

Sec. 11. Section 7, chapter 231, Laws of 1971 ex. sess. as amended by section 1, chapter 41, Laws of 1975 and RCW 46.16.505 are each amended to read as follows:

It shall be unlawful for a person to operate any vehicle equipped with a camper over and along a public highway of this state without first having obtained and having in full force and effect a current and proper camper license and displaying a camper license number plate therefor as required by law: PROVIDED, HOWEVER, That if a camper is part of the inventory of a manufacturer or dealer and is unoccupied at all times, and a dated demonstration permit, valid for no more than seventy-two hours is carried in the motor vehicle at all times it is operated by any such individual, such camper may be demonstrated if carried upon an appropriately licensed vehicle.

Application for an original camper license shall be made on a form furnished for the purpose by the director. Such application shall be made by the owner of the camper or his duly authorized agent over the signature of such owner or agent, and he shall certify that the statements therein are true and to the best of his knowledge. The application must show:

- (1) Name and address of the owner of the camper;
- (2) Trade name of the camper, model, year, and the serial number thereof;
- (3) Such other information as the director requires.

There shall be paid and collected annually for each [calendar] *requisition year* or fractional part thereof and upon each camper a license fee *or, if the camper was previously licensed in this state and has not been registered in another jurisdiction in the intervening period, a renewal license fee. Such license fee shall be in the sum of four dollars and ninety cents, and such renewal license fee shall be in the sum of three dollars and fifty cents.*

Except as otherwise provided for in this section, the provisions of chapter 46.16 RCW shall apply to campers in the same manner as they apply to vehicles.

Sec. 12. Section 82.44.040, chapter 15, Laws of 1961 and RCW 82.44.040 are each amended to read as follows:

(1) The [commission and association of county assessors of the state] *department of revenue, in consultation with the department of motor vehicles* shall prepare [and, on or before December 1st of each year, furnish to the county auditor of each county in the state] *at least once each year* a schedule for use in the collection of the excise tax imposed by this chapter. Such schedule shall be based upon such information as may be available to them pertaining to the fair market value of motor vehicles. Such vehicles shall be classified [therein] into a convenient number of classes on the basis of *price, make, type, year of manufacture, or any other reasonable basis, and to the value of vehicles within the classes as thus determined shall be applied the rate of tax prescribed in RCW 82.44.020.* In determining fair market value, the [commission and county assessors] *department of revenue* may use any guidebook, report, or compendium of recognized standing in the automotive industry. The schedule shall show, so far as possible, the amount of excise tax for vehicles within each class and shall sufficiently describe the

various motor vehicles included within each classification to enable the [county auditor] *department of motor vehicles and its agents* to ascertain readily the amount of tax applicable to any particular motor vehicle.

Sec. 13. Section 52, chapter 299, Laws of 1971 ex. sess. and RCW 82.44.045 are each amended to read as follows:

The department of revenue and [association of county assessors] *the department of motor vehicles* shall include campers on the schedule prepared by them as required under RCW 82.44.040, and any unlisted campers shall be appraised in the same manner as motor vehicles as provided in RCW 82.44.050.

Sec. 14. Section 82.44.060, chapter 15, Laws of 1961 as amended by section 4, chapter 199, Laws of 1963 and RCW 82.44.060 are each amended to read as follows:

The excise tax hereby imposed shall be due and payable to the [county auditor] *department of motor vehicles or its agents* at the time of registration of a motor vehicle. Whenever an application is made to the [auditor] *department of motor vehicles or its agents* for a license for a motor vehicle [he] *there shall collect be collected*, in addition to the amount of the license fee *or renewal license fee*, the amount of the excise tax imposed by this chapter *prorated to comply with the effective date of the annual schedule prepared pursuant to RCW 82.44.040*, and no dealer's license or license plates, and no license or license plates for a motor vehicle shall be issued unless such tax is paid in full. The excise tax hereby imposed shall be collected for each [calendar] *registration* year: PROVIDED, That the [calendar year shall be divided into twelve parts corresponding to the months of the calendar year and the] excise tax upon a motor vehicle licensed for the first time in this state after the last day of any *registration* month shall only be levied for the remaining months of the [calendar] *registration* year including the month in which the motor vehicle is being licensed: PROVIDED FURTHER, That the tax shall in no case be less than two dollars.

A motor vehicle shall be deemed licensed for the first time in this state when such vehicle was not previously licensed by this state for the *registration* year immediately preceding the *registration* year in which the application for license is made and *the vehicle has not been registered in another jurisdiction in the intervening period*.

No additional tax shall be imposed under this chapter upon any vehicle upon the transfer of ownership thereof if the tax imposed with respect to such vehicle has already been paid for the *registration* year or fraction of a *requisition* year in which transfer of ownership occurs.

Sec. 15. Section 55, chapter 299, Laws of 1971 ex. sess. and RCW 82.50.400 are each amended to read as follows:

An annual excise tax is imposed on the owner of any travel trailer or camper for the privilege of using such travel trailer or camper in this state. The tax shall be collected for each [calendar] *registration* year by the department of motor vehicles or the county auditor of the county in which the travel trailer or camper is located at the time payment is made and shall be due on and after [January 1st] *the first day of the registration year* or on the date the travel trailer or camper is first purchased or brought into this state, and paid on or before [January 31st] *the first day of each [calendar] registration year* or thirty days after the travel trailer or camper is first purchased or brought into this state, whichever is later. No additional tax shall be imposed under this chapter upon any travel trailer or camper upon the transfer of ownership thereof, if the tax imposed by this chapter with respect to such travel trailer or camper has already been paid for the [calendar] *registration* year or fractional part thereof in which such transfer occurs.

Sec. 16. Section 56, chapter 299, Law of 1971 ex. sess. as amended by section 2, chapter 144, Laws of 1972 ex. sess. and RCW 82.50.410 are each amended to read as follows:

The rate and measure of tax imposed by this chapter for each [calendar] *registration* year shall be one percent of the fair market value of the travel trailer or camper, as determined in the manner provided in this chapter: PROVIDED, That the [calendar year shall be divided into twelve parts corresponding to the months of the calendar year and the] excise tax upon a travel trailer or camper used for the first time in this state

after the last day of any registration month shall only be levied for the remaining months of the [calendar] registration year including the month in which the travel trailer or camper is first used: PROVIDED FURTHER, That the minimum amount of tax payable shall be two dollars.

A travel trailer or camper shall be deemed used for the first time in this state when such vehicle was not previously licensed by this state for the registration year or any part thereof immediately preceding the registration year in which application for license is made.

Sec. 17. Section 61, chapter 299, Laws of 1971 ex. sess. and RCW 82.50.460 are each amended to read as follows:

[On or before the fifteenth day of February of each calendar year] *Prior to the end of any registration year of a vehicle*, the director shall cause to be mailed to the owners of travel trailers or campers, of record, notice of the amount of tax payable during the [calendar] succeeding registration year. Said notice shall contain a legal description of the travel trailer or camper, prominent notice of penalties, due dates, and such other information as may be required by the director. If payment is not made [within thirty days of the issuance of said notice] *prior to the beginning of the registration year*, the director may forward a notification of delinquency to the county sheriff of the county wherein the travel trailer or camper is located, requesting distraint of said travel trailer or camper.

NEW SECTION. Sec. 18. If any provision of this 1975 amendatory act is declared unconstitutional, or the applicability thereof to any person or circumstances is held invalid, the constitutionality of the remainder of this 1975 amendatory act and the applicability thereof to persons and circumstances shall not be affected thereby.

NEW SECTION. Sec. 19. This 1975 amendatory act shall take effect on January 1, 1977: PROVIDED, That the director of the department of motor vehicles may, prior to such effective date, undertake and perform duties and conduct activities necessary for the timely implementation of this 1975 amendatory act on such date."

In line 1 of the title, beginning with "amending" strike all material down through and including "dates" on page 2, line 1 and insert "amending section 46.16.060, chapter 12, Laws of 1961 as last amended by section 3, chapter 170, Laws of 1969 ex. sess. and RCW 46.16.060; amending section 46.16.065, chapter 12, Laws of 1961 as amended by section 10, chapter 7, Laws of 1961 ex. sess. and RCW 46.16.065; amending section 46.16.130, chapter 12, Laws of 1961 and RCW 46.16.130; amending section 46.16.135, chapter 12, Laws of 1961 as amended by section 7, chapter 170, Laws of 1969 ex. sess. and RCW 46.16.135, amending section 46.16.137, chapter 12, Laws of 1961 as last amended by section 1, chapter 172, Laws of 1974 ex. sess. and RCW 46.16.137; amending section 46.16.210, chapter 12, Laws of 1961 as amended by section 1, chapter 75, Laws of 1969 ex. sess. and RCW 46.16.210; amending section 46.16.220, chapter 12, Laws of 1961 as amended by section 9, chapter 170, Laws of 1969 ex. sess. and RCW 46.16.220; amending section 46.16.320, chapter 12, Laws of 1961 as last amended by section 1, chapter 206, Laws of 1969 ex. sess. and RCW 46.16.320; amending section 7, chapter 231, Laws of 1971 ex. sess. as amended by section 1, chapter 41, Laws of 1975 and RCW 46.16.505; amending section 82.44.040, chapter 15, Laws of 1961 and RCW 82.44.040; amending section 52, chapter 299, Laws of 1971 ex. sess. and RCW 82.44.045; amending section 82.44.060, chapter 15, Laws of 1961 as amended by section 4, chapter 199, Laws of 1963 and RCW 82.44.060; amending section 55, chapter 299, Laws of 1971 ex. sess. and RCW 82.50.400; amending section 56, chapter 299, Laws of 1971 ex. sess. as amended by section 2, chapter 144, Laws of 1972 ex. sess. and RCW 82.50.410; amending section 61, chapter 299, Laws of 1971 ex. sess. and RCW 82.50.460; adding new sections to chapter 12, Laws of 1961 and to chapter 46.16 RCW; and providing an effective date".

Signed by: Senators Walgren, Chairman; Beck, Guess, Jolly, Lewis (R. H. "Bob"), Morrison, Peterson, Sellar, Wanamaker.

On motion of Senator Bottiger, the committee amendment was adopted.

On motion of Senator Bottiger, the committee amendment to the title was adopted.

On motion of Senator Bottiger, the rules were suspended, Engrossed House Bill

No. 305, 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 Bailey: "Would Senator Bottiger yield? Senator Bottiger, I think you may have touched on this, but in simple language, what is the fiscal impact of this bill?"

Senator Bottiger: "Senator Bailey, there is no real fiscal impact. There are no new moneys, but because we will collect one month early, about half a year's registration fee, there would be about a three million dollar plus additional revenue in this biennium but it is not additional moneys paid by the people. It is an early collection."

Senator Bailey: "Senator Bottiger, then the fiscal impact would have been in the original bill, is that right?"

Senator Bottiger: "That is correct. As the bill came over from the House there was almost eight million dollars in new money and the committee took all of that new money out."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed House Bill No. 305, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 41; nays, 4; absent or not voting, 1; excused, 3.

Voting yea: Senators Bailey, Beck, Benitz, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Francis, Goltz, Gould, Grant, Henry, Herr, Jolly, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Ridder, Sandison, Scott, Sellar, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—41.

Voting nay: Senators Bluechel, Jones, Rasmussen, Talley—4.

Absent or not voting: Senator Fleming—1.

Excused: Senators Guess, Keefe, Stortini—3.

ENGROSSED HOUSE BILL NO. 305, 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. 47, by Committee on Transportation and Utilities (originally sponsored by Representative North):

Broadening definition of urban areas eligible for urban arterial funds.

REPORT OF STANDING COMMITTEE

April 22, 1975.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 47, broadening definition of urban areas eligible for urban arterial funds (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 10 after "of" and before "the" insert "*the federal department of*"

On page 1, line 12, after "cities" strike "*of one thousand five hundred or more population*"

On page 2 add a new section to read as follows:

"*NEW SECTION*. Sec. 4. There is added to chapter 47.26 RCW a new section to read as follows:

The urban arterial board may adopt rules establishing qualifications for cities and counties administering and supervising the design and construction of urban arterial projects financed in part from the urban arterial trust account. The rules establishing qualification shall take into account the resources and population of the city or county,

its permanent engineering staff, its design and construction supervision experience and such other factors as the board deems appropriate. Any city or county failing to meet the qualifications established by the board for administering and supervising an urban arterial project, shall contract with a qualified city or county or the department of highways for the administration and supervision of the design and construction of any approved urban arterial project as a condition for receiving urban arterial trust account funds for the project."

On page 1, line 4 after "adding" and before "to" strike "a new section" and insert "new sections".

Signed by: Senators Walgren, Chairman; Beck, Bottiger, Jolly, Knoblauch, Morrison, Peterson, Sellar, Wanamaker.

The bill was read the second time by sections.

On motion of Senator Bottiger, the committee amendments were adopted.

On motion of Senator Bottiger, the committee amendment to the title was adopted.

On motion of Senator Bottiger, the rules were suspended, Engrossed Substitute House Bill No. 47, 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. 47, 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 Bailey, Beck, Benitz, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Grant, Henry, Herr, Jolly, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—40.

Voting nay: Senators Bluechel, Gould, Jones, North—4.

Absent or not voting: Senators Lewis (Harry), Van Hollebeke—2.

Excused: Senators Guess, Keefe, Stortini—3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 47, 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 Herr, Engrossed Substitute House Bill No. 40 was ordered to hold its place on the second reading calendar for Friday, May 16, 1975.

On motion of Senator Lewis (Harry), Engrossed Substitute House Bill No. 86 was ordered to hold its place on the second reading calendar for Friday, May 16, 1975.

On motion of Senator Bottiger, House Bill No. 796 was ordered to hold its place on the second reading calendar for Friday, May 16, 1975.

SECOND READING

ENGROSSED HOUSE BILL NO. 422, by Representatives Randall, Kilbury, Hurley (George), Hayner, Hurley (Margaret) and Curtis:

Permitting tax adjustments upon property destroyed at any time during the year.

REPORT OF STANDING COMMITTEE

March 27, 1975.

ENGROSSED HOUSE BILL NO. 422, permitting tax adjustments upon property destroyed at any time during the year (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 19, after "If," and before "December" strike "prior to [May]" and insert "[prior to May] *on or before*"

On page 1, line 20, after "assessment" and before "of that" on line 21 strike "[and tax rolls] *roll* as of [January 1] *May 31*" and insert "[and tax rolls as of January 1] *roll*".

On page 2, line 2, after "If," and before "December" strike "prior to [May]" and insert "[prior to May] *on or before*".

On page 2, line 3, after "assessment" and before "of that" on line 21 strike "[and tax rolls] *roll* as of [January 1] *May 31*" and insert "[and tax rolls as of January 1] *roll*".

On page 3, line 19, before "shall" strike "tax collector" and insert "[tax collector] *treasurer*".

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Wilson, Second Vice Chairman; Bailey, Clarke, Fleming, Jones, Lewis (Harry), Marsh, Murray, Scott, Washington, Woody.

The bill was read the second time by sections.

On motion of Senator Odegaard, the committee amendments were adopted.

On motion of Senator Odegaard, the rules were suspended, Engrossed House Bill No. 422, 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. 422, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 2; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, North, Odegaard, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—45.

Absent or not voting: Senators Newschwander, Peterson—2.

Excused: Senators Keefe, Stortini—2.

ENGROSSED HOUSE BILL NO. 422, 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 Herr, the Senate commenced consideration of Substitute House Bill No. 62.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 62, by Committee on Local Government (originally sponsored by Representatives Bausch and Hendricks):

Authorizing a service charge for county ambulance service.

REPORT OF STANDING COMMITTEE

May 5, 1975.

SUBSTITUTE HOUSE BILL NO. 62, authorizing a service charge for county ambulance service (reported by Committee on Local Government):

MAJORITY recommendation: Do pass with the following amendments:

On line 7, after "(11)" and before "." insert ", but shall utilize any existing private ambulance service as a part of that system".

In section 1, line 10, after “: PROVIDED, That” and before “when” insert “any county which provides emergency medical services supported by an excess levy may waive such charges for service: PROVIDED FURTHER, That”.

On line 13, after “ambulance service,” and before “the” insert “and existing private ambulance service cannot be encouraged to expand service on a contract basis.”.

On page 1, beginning on line 16, add a section to read as follows:

“NEW SECTION. Sec. 2. There is added to chapter 52.36 RCW a new section to read as follows:

Any fire protection district which provides ambulance service pursuant to RCW 52.08.030, may pursuant to a resolution establish and collect charges for such services in order to reimburse the district for all costs of providing such service: PROVIDED, That any fire protection district which provides such ambulance service supported by an excess levy may waive such charges for service.”

Renumber the remaining section consecutively.

On line 1 of the title after “to” and before “emergency” delete “county”.

On line 2 of the title after “36.01 RCW;” and before “and” insert “adding a new section to chapter 52.36 RCW;”.

Signed by: Senators Fleming, Chairman; Jolly, Lewis (R. H. “Bob”), North, Sellar. The bill was read the second time by sections.

On motion of Senator Fleming, the committee amendments were adopted.

On motion of Senator Fleming, the committee amendments to the title were adopted.

On motion of Senator Fleming, the rules were suspended, Substitute House Bill No. 62, 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. 62, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 2; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. “Bob”), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Wilson, Woody—45.

Absent or not voting: Senators Peterson, Washington—2.

Excused: Senators Keefe, Stortini—2.

SUBSTITUTE HOUSE BILL NO. 62, 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.

POINT OF INFORMATION

Senator Bailey: “Where is House Bill 198, the Insurance Commissioner’s bill? Where is it on the calendar?”

REPLY BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: “Page 3 of the yellow calendar.”

Senator Bailey: “Mr. President, I moved that the House Bill No. 198 be a special order of business at 11:30 tomorrow.”

The motion by Senator Bailey carried. House Bill No. 198 was made a special order of business for 11:30 a.m., Friday, May 16, 1975.

MOTION

On motion of Senator Herr, Engrossed House Bill No. 733 was ordered to hold its place on the second reading calendar for Friday, May 16, 1975.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 239, by Committee on Financial Institutions (originally sponsored by Representatives Ehlers, King, Thompson, Shinpoch, Gaspard, Zimmerman, Bender, Clemente, Conner, Moon, Brown, Moreau, Wojahn, McCormick, Sherman, Williams, Erickson, Boldt, Hawkins, Bagnariol, Smith (Rick), Bauer, Savage, Haley, Charnley, Gaines, Hendricks and Laughlin):

Protecting employee's insurance benefits.

REPORT OF STANDING COMMITTEE

May 8, 1975.

SUBSTITUTE HOUSE BILL NO. 239, protecting employee's insurance benefits (reported by Committee on Financial Institutions):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, beginning on line 5, strike everything after the enacting clause and insert the following:

"**NEW SECTION.** Section 1. There is added to chapter 48.21 RCW a new section to read as follows:

Any employee whose compensation includes group disability or blanket disability insurance providing health care services, the premiums for which are paid in full or in part by an employer including the state of Washington, its political subdivisions, or municipal corporations, or paid by payroll deduction, may pay the premiums as they become due directly to the policyholder whenever the employee's compensation is suspended or terminated directly or indirectly as the result of a strike, lockout, or other labor dispute, for a period not exceeding six months and at the rate and coverages as the policy provides. During that period of time the policy may not be altered or changed. Nothing in this section shall be deemed to impair the right of the insurer to make normal decreases or increases of the premium rate upon expiration and renewal of the policy, in accordance with the provisions of the policy. Thereafter, if such insurance coverage is no longer available, then the employee shall be given the opportunity to purchase an individual policy at a rate consistent with rates filed by the insurer with the commissioner. When the employee's compensation is so suspended or terminated, the employee shall be notified immediately by the policyholder in writing, by mail addressed to the address last on record with the policyholder, that the employee may pay the premiums to the policyholder as they become due as provided in this section.

Payment of the premiums must be made when due or the insurance coverage may be terminated by the insurer.

The provisions of any insurance policy contrary to provisions of this section are void and unenforceable after the effective date of this 1975 act.

NEW SECTION. Sec. 2. There is added to chapter 48.24 RCW a new section to read as follows:

Any employee whose compensation includes group life insurance, the premiums for which are paid in full or in part by an employer including the state of Washington, its political subdivisions, or municipal corporations, or paid by payroll deduction, may pay the premiums as they become due directly to the policyholder whenever the employee's compensation is suspended or terminated directly or indirectly as the result of a strike, lockout, or other labor dispute, for a period not exceeding six months and at the rate and coverages as the policy provides. During that period of time the policy may not be altered or changed. Nothing in this section shall be deemed to impair the right of the insurer to make normal decreases or increases of the premium rate upon expiration and renewal of the policy, in accordance with the provisions of the policy. Thereafter, if such insurance coverage is no longer available, then the employee shall be given the opportunity to purchase an individual policy at a rate consistent with rates filed by the insurer with the commissioner. When the employee's compensation is so suspended or terminated, the employee shall be notified immediately by the policyholder in writing, by mail addressed to the address last on record with the policyholder, that the employee

may pay the premiums to the policyholder as they become due as provided in this section.

Payment of the premiums must be made when due or the insurance coverage may be terminated by the insurer.

The provisions of any insurance policy contrary to provisions of this section are void and unenforceable after the effective date of this 1975 act.

NEW SECTION. Sec. 3. There is added to chapter 48.44 RCW a new section to read as follows:

Any employee whose compensation includes a health care services contract providing health care services expenses, the premiums for which are paid in full or in part by an employer including the state of Washington, its political subdivisions, or municipal corporations, or paid by payroll deduction, may pay the premiums as they become due directly to the health care service contractor whenever the employee's compensation is suspended or terminated directly or indirectly as the result of a strike, lockout, or other labor dispute, for a period not exceeding six months and at the rate and coverages as the health care services contract provides. During that period of time such contract may not be altered or changed. Nothing in this section shall be deemed to impair the right of the insurer to make normal decreases or increases of the premium rate upon expiration and renewal of the policy, in accordance with the provisions of the policy. Thereafter, if such health care services coverage is no longer available, then the employee shall be given the opportunity to purchase an individual health care services contract at a rate consistent with rates filed by the health care service contractor with the commissioner. When the employee's compensation is so suspended or terminated, the employee shall be notified immediately by the contract holder in writing, by mail addressed to the address last of record with the contract holder, that the employee may pay the premiums to the health care service contractor as they become due as provided in this section.

Payment of the premiums must be made when due or the coverage may be terminated by the health care service contractor.

The provisions of any health care services contract contrary to provisions of this section are void and unenforceable after the effective date of this 1975 act.

NEW SECTION. Sec. 4. If any provision of this 1975 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. 5. This 1975 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."

Signed by: Senators Woody, Chairman; Clarke, Jones, Walgren.

The bill was read the second time by sections.

Senator Woody moved adoption of the committee amendment.

Senator Lewis (Harry) moved adoption of the following amendment to the committee amendment:

On page 3, line 42 add a new section to read as follows:

"Section 4. Section 7, chapter 183, Laws of 1949 as last amended by section 8, chapter 214, Laws of 1973 first ex. sess. and RCW 49.60.190 are each amended to read as follows:

(1) To deny membership and full membership rights and privileges to any person because of age, sex, marital status, race, creed, color, national origin, or the presence of any sensory, mental, or physical handicap.

(2) To expel from membership any person because of age, sex, marital status, race, creed, color, national origin, or the presence of any sensory, mental, or physical handicap.

(3) To discriminate against any member, employer, or employee because of age, sex, marital status, race, creed, color, national origin, or the presence of any sensory, mental, or physical handicap.

(4) *To collect dues or membership fees from any member or discriminate against any member who refuses to pay dues or membership fees during any period in which*

such member is unemployed as a result of any sanctioned strike or any lockout associated with a sanctioned strike."

Renumber remaining sections accordingly.

POINT OF ORDER

Senator Woody: "I would raise the issue of scope and object and I would like to speak on that."

POINT OF ORDER

Senator Lewis (Harry): "I wonder how Senator Woody can raise scope and object until I have explained the amendment. I think normally I should have that opportunity for a brief explanation."

RULING BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "Your point is well taken. He probably read the amendment."

Debate ensued.

President Pro Tempore Henry declared the Senate to be at ease.

President Pro Tempore Henry called the Senate to order.

RULING BY PRESIDENT PRO TEMPORE HENRY

President Pro Tempore Henry: "The President, in ruling upon the point of order as presented by Senator Woody, finds that Substitute House Bill 239 is a measure which pertains solely to the proposition that premiums or payments due for medical insurance or health care services or life insurance may be paid to the employee under certain limited circumstances. The amendment proposed by Senator Lewis, however, does not pertain to insurance coverage but deals with the legality of withholding union dues. The amendment, therefore, does change the scope and object of the bill. The point of order is well taken."

The amendment by Senator Lewis (Harry) to the committee amendment was ruled out of order.

The motion by Senator Woody carried and the committee amendment was adopted.

On motion of Senator Woody, the rules were suspended, Substitute House Bill No. 239, 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. 239, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; nays, 1; absent or not voting, 3; excused, 2.

Voting yea: Senators Bailey, Beck, Bottiger, Buffington, Cunningham, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—43.

Voting nay: Senator Bluechel—1.

Absent or not voting: Senators Benitz, Clarke, Peterson—3.

Excused: Senators Keefe, Stortini—2.

SUBSTITUTE HOUSE BILL NO. 239, 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 second order of business.

REPORT OF CONFERENCE COMMITTEE

May 15, 1975.

Mr. Speaker:
Mr. President:

We, of your Conference Committee, to whom was referred ENGROSSED HOUSE BILL NO. 172, standardizing the marking of public vehicles, have had the same under consideration and we report that we are unable to agree and respectfully request the powers of Free Conference in order to make the following changes:

That the Senate Committee Amendments be adopted with the following amendment to the committee amendment:

On page 4, line 21 of the committee amendment strike "Any elected state official" and insert "Any state official elected on a state-wide basis".

Signed by: Senators Rasmussen, Wanamaker and Woody; Representatives Sommers, Nelson and Chatalas.

MOTION

On motion of Senator Rasmussen, the report of the Conference Committee was adopted and the committee was granted the powers of Free Conference.

MOTION

On motion of Senator Mardesich, the Senate returned to the first order of business.

REPORTS OF STANDING COMMITTEES

May 15, 1975.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 378, prescribing procedures for the collection, analysis, and reporting of statistical information on file by the state fire marshal (reported by Committee on State Government):

Recommendation: Do pass.

Signed by: Senators Rasmussen, Chairman; Buffington, Cunningham, Day, Henry, Knoblauch, Wanamaker.

Passed to Committee on Rules for second reading.

May 14, 1975.

ENGROSSED HOUSE BILL NO. 467, regulating use of candidates' picture in political advertising (reported by Committee on Constitution and Elections):

MAJORITY recommendation: Do pass.

Signed by: Senators Beck, Chairman; Grant, Lewis (R. H. "Bob"), Pullen, Washington.

Passed to Committee on Rules for second reading.

May 14, 1975.

ENGROSSED SECOND SUBSTITUTE HOUSE BILL NO. 827, providing changes in public disclosure provisions (reported by Committee on Constitution and Elections):

Recommendation: Do pass as amended.

Signed by: Senators Beck, Chairman; Grant, Lewis (R. H. "Bob"), Pullen, Stortini, Washington.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Mardesich, the bills remaining on the second reading calendar will hold their places and be followed by the bills remaining on the supplemental calendar.

MOTION

At 4:45 p.m., on motion of Senator Herr, the Senate adjourned until 11:00 a.m., Friday, May 16, 1975.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

SIXTY-FOURTH DAY

MORNING SESSION

Senate Chamber, Olympia, Friday, May 16, 1975.

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 Keefe, Murray, Newschwander, Scott and Walgren. On motion of Senator Lewis (R. H. "Bob"), Senators Murray and Scott were excused. There being no objection, Senators Keefe and Walgren were excused.

The Color Guard, consisting of Pages Jill Satran and Steve Nogler, presented the Colors. Reverend George M. Mitchell, pastor of the First Christian Church of Olympia, offered the following prayer:

"OUR FATHER IN HEAVEN, WE BELIEVE AND KNOW THAT OUR WORDS NOW SPOKEN, AND THE YEARNINGS OF OUR HEARTS NOW OPEN TO YOU, ARE HEARD AND UNDERSTOOD IN YOUR PRESENCE, AND THEREFORE WE UNITE OUR PRAYERS TO YOU, ASKING YOUR BLESSING, YOUR GUIDANCE, AND YOUR HELP.

"GIVE THESE SENATORS AN UNDERSTANDING NOT ONLY OF THE WISHES OF THE PEOPLE OF THIS STATE, BUT ALSO A VISION OF YOUR WILL. GIVE THEM THE COURAGE TO WITHSTAND THE PRESSURES OF THE SELFISH, AND GIVE TO THE PEOPLE THE VISION TO SEE THE NEEDS OF ALL, AND TO ACCEPT THE SACRIFICES THAT MUST BE SHARED BY ALL. AMEN."

MOTION

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

REPORTS OF STANDING COMMITTEES

May 15, 1975.

SENATE BILL NO. 2886, authorizing bond issue for construction of executive offices (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Wilson,

Second Vice Chairman; Bailey, Clarke, Fleming, Jones, Lewis (Harry), Marsh, Matson, Murray, Newschwander, Rasmussen, Sandison, Washington.

Passed to Committee on Rules for second reading.

May 15, 1975.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 206, adopting the capital budget (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Wilson, Second Vice Chairman; Bailey, Clarke, Fleming, Jones, Lewis (Harry), Marsh, Matson, Murray, Newschwander, Rasmussen, Sandison, Washington.

Passed to Committee on Rules for second reading.

May 15, 1975.

SUBSTITUTE HOUSE BILL NO. 219, authorizing state general obligation bonds to fund community college capital projects previously approved by the legislature (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Wilson, Second Vice Chairman; Bailey, Clarke, Fleming, Jones, Lewis (Harry), Marsh, Matson, Murray, Newschwander, Rasmussen, Sandison, Washington.

Passed to Committee on Rules for second reading.

May 14, 1975.

ENGROSSED HOUSE BILL NO. 231, mandating certain school districts to divide into director districts and providing for election of directors thereunder (reported by Committee on Education):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Stortini, Chairman; Francis, McDermott, von Reichbauer.

Passed to Committee on Rules for second reading.

May 15, 1975.

ENGROSSED HOUSE BILL NO. 774, regulating and licensing massage businesses (reported by Committee on Social and Health Services):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Day, Chairman; von Reichbauer, Vice Chairman; Buffington, Cunningham, Goltz, Gould, Herr, North, Pullen, Ridder.

Passed to Committee on Rules for second reading.

May 15, 1975.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 972, authorizing bonds for social and health services facilities (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Wilson, Second Vice Chairman; Bailey, Clarke, Fleming, Lewis (Harry), Marsh, Matson, Murray, Newschwander, Rasmussen, Sandison, Washington.

Passed to Committee on Rules for second reading.

May 16, 1975.

ENGROSSED HOUSE BILL NO. 1029, recognizing the Washington association of sheriffs and chiefs of police (reported by Committee on Local Government):

MAJORITY recommendation: Do pass.

Signed by: Senators Fleming, Chairman; McDermott, Talley, Walgren, Wilson.

Passed to Committee on Rules for second reading.

May 15, 1975.

ENGROSSED HOUSE BILL NO. 1050, making emergency appropriations for grain inspectors (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Wilson, Second Vice Chairman; Bailey, Clarke, Fleming, Jones, Lewis (Harry), Marsh, Matson, Newschwander, Rasmussen, Sandison, Washington.

Passed to Committee on Rules for second reading.

May 15, 1975.

HOUSE BILL NO. 1075, transferring certain state funds to the general fund (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Wilson, Second Vice Chairman; Bailey, Clarke, Fleming, Jones, Lewis (Harry), Marsh, Matson, Murray, Newschwander, Rasmussen, Sandison, Washington.

Passed to Committee on Rules for second reading.

May 15, 1975.

SUBSTITUTE HOUSE BILL NO. 1091, authorizing general obligation bond issue of state for University of Washington hospital facilities in lieu of university revenue bonds (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Wilson, Second Vice Chairman; Bailey, Clarke, Fleming, Jones, Lewis (Harry), Mardesich, Marsh, Newschwander, Sandison, Washington.

Passed to Committee on Rules for second reading.

May 15, 1975.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1143, authorizing issuance of bonds for certain community college projects (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Wilson, Second Vice Chairman; Bailey, Clarke, Fleming, Jones, Lewis (Harry), Marsh, Matson, Murray, Newschwander, Rasmussen, Sandison, Washington.

Passed to Committee on Rules for second reading.

May 15, 1975.

SECOND SUBSTITUTE HOUSE BILL NO. 1146, authorizing bonds for financing of higher education facilities (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass as amended.

Signed by: Donohue, Chairman; Odegaard, Vice Chairman; Wilson, Second Vice Chairman; Bailey, Clarke, Fleming, Jones, Lewis (Harry), Mardesich, Marsh, Newschwander, Rasmussen, Sandison, Washington.

Passed to Committee on Rules for second reading.

MESSAGE FROM THE GOVERNOR

May 15, 1975.

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

LADIES AND GENTLEMEN:

I have the honor to advise that on May 15, 1975, Governor Evans approved the following Senate Bills, entitled:

SENATE BILL NO. 2024: Changing certain hearing requirements regarding franchises along public highways.

SENATE BILL NO. 2218: Providing a minimum limit for port district work contracts without bids.

Sincerely,
CHI-DOOH LI
Legal Counsel.

MESSAGES FROM THE HOUSE

May 15, 1975.

Mr. President: The House has passed:

SECOND SUBSTITUTE HOUSE BILL NO. 93,
ENGROSSED HOUSE BILL NO. 624,
ENGROSSED HOUSE BILL NO. 840,
SUBSTITUTE HOUSE BILL NO. 915,
SUBSTITUTE HOUSE BILL NO. 932,
ENGROSSED HOUSE BILL NO. 1026,
ENGROSSED HOUSE BILL NO. 1037,
HOUSE BILL NO. 1051,

HOUSE BILL NO. 1077, and the same are herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

May 15, 1975.

Mr. President: The Speaker has signed:

HOUSE BILL NO. 170,
HOUSE BILL NO. 175,
SUBSTITUTE HOUSE BILL NO. 183,
HOUSE BILL NO. 385,

HOUSE BILL NO. 627, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

May 16, 1975.

Mr. President: The House has passed:

ENGROSSED HOUSE BILL NO. 436,
SUBSTITUTE HOUSE BILL NO. 867,
SUBSTITUTE HOUSE BILL NO. 890, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 170,
HOUSE BILL NO. 175,
SUBSTITUTE HOUSE BILL NO. 183,
HOUSE BILL NO. 385,
HOUSE BILL NO. 627.

MOTION

At 11:15 a.m., on motion of Senator Mardesich, the Senate recessed until 12:25 p.m.

AFTERNOON SESSION

The President called the Senate to order at 12:25 p.m.

MOTION

At 12:30 p.m., on motion of Senator Mardesich, the Senate recessed until 1:30 p.m.

SECOND AFTERNOON SESSION

The President called the Senate to order at 1:30 p.m.

MOTION

On motion of Senator Mardesich, the Senate advanced to the seventh order of business.

SPECIAL ORDER OF BUSINESS
THIRD READING

SUBSTITUTE HOUSE BILL NO. 409, by Committee on Commerce (originally sponsored by Representatives Barnes, Hansen, Haussler and Curtis:

Classifying electrician licenses as general and specialty.

The time having arrived, the Senate resumed consideration of Substitute House Bill No. 409 on third reading.

The President declared the question before the Senate to be the roll call on final passage of Substitute House Bill No. 409.

ROLL CALL

The Secretary called the roll on the final passage of Substitute House Bill No. 409 and the bill passed the Senate by the following vote: Yeas, 44; absent or not voting, 3; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Day, Donohue, Fleming, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, North, Odegaard, Peterson, Pullen, Rasmussen, Rider, Sandison, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Wilson, Woody—44.

Absent or not voting: Senators Francis, Newschwander, Washington—3.

Excused: Senators Keefe, Scott—2.

SUBSTITUTE HOUSE BILL NO. 409, having received the 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.

SPECIAL ORDER OF BUSINESS
SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 198, by Committee on Financial Institutions (originally sponsored by Representatives Ceccarelli, Bagnariol, Deccio and Pardini:

Amending the insurance code.

The time having arrived, the Senate resumed consideration of Engrossed Substitute House Bill No. 198 as amended on Wednesday, May 14, 1975.

There being no objection, the amendment by Senator Bottiger to page 10 on the Secretary's desk, was withdrawn.

Senator Day moved adoption of the following amendment:

On page 6, after new section 9 added by the committee amendment, add a new section to read as follows:

"*NEW SECTION. Sec. 10.* There is added to chapter 48.44 RCW a new section to read as follows:

(1) All agreements entered into by health care contractors with or for the benefit of

persons or groups of persons for health care services which are the same or similar to disability policies of insurance authorized by chapters 48.20 and 48.21 RCW, notwithstanding any other provisions in chapter 48.44 to the contrary, shall comply with the provisions of chapters 48.20 and 48.21 RCW relating to benefits for services performed by licensed practitioners of health care: PROVIDED, That prepaid group practice plans which deliver services directly to a voluntary enrolled group of members shall be exempt from such compliance.

(2) All contracts or agreements renewed, delivered, or issued more than one hundred twenty days after the effective date of this act shall comply with the intent hereof, and the insurance commissioner shall disapprove any contracts or agreements that are not in compliance therewith, and he shall promulgate such rules and regulations as necessary to carry out the provisions of this act."

Remember the remaining sections consecutively.

Debate ensued.

POINT OF ORDER

Senator Walgren: "I raise the question of scope and object of the amendment."

RULING BY THE PRESIDENT

The President: "In ruling on the point of order as raised by Senator Walgren, the President determines that Engrossed Substitute House Bill 198, though originally a measure relating to insurance, is now, after the adoption of the committee amendments to page 10 of the bill, a measure which pertains to the regulations of health care service contracts. With the amendments already adopted, the measure provides in very broad form for regulations to be made setting all of the standards for health care service contracts including the types of services to be available to the consumer. The amendment of Senator Day merely provides that such standards shall include the obligation of the contract to provide similar services as provided for by certain insurance contracts now authorized by law. The amendment does not therefore enlarge the scope and object of the measure as it now appears before the Senate and the point of order is not well taken."

Senator Day demanded a roll call and the demand was sustained by Senators Bailey, Jolly, Bottiger, Grant, Guess, Rasmussen, von Reichbauer, Beck and Buffington.

ROLL CALL

The Secretary called the roll and the amendment was adopted by the following vote: Yeas, 26; nays, 17; absent or not voting, 5; excused, 1.

Voting yea: Senators Bailey, Bottiger, Buffington, Cunningham, Day, Goltz, Grant, Guess, Henry, Herr, Jolly, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Marsh, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Stortini, Talley, Van Hollebeke, von Reichbauer, Wilson, Woody—26.

Voting nay: Senators Beck, Bluechel, Clarke, Donohue, Gould, Jones, Mardesich, Matson, McDermott, Morrison, Murray, North, Sandison, Scott, Sellar, Walgren, Wanmaker—17.

Absent or not voting: Senators Benitz, Fleming, Francis, Newschwander, Washington—5.

Excused: Senator Keefe—1.

MOTION

On motion of Senator Lewis (R. H. "Bob"), Senators Cunningham and Newschwander were excused.

MOTIONS

On motion of Senator Day, the following amendment to the title was adopted:

On page 1, line 19 of the title, strike "and" and on line 20, after "48.20 RCW" insert "; and adding a new section to chapter 48.44 RCW"

On motion of Senator Woody, the rules were suspended, Engrossed Substitute House Bill No. 198, 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. 198, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 40; nays, 3; absent or not voting, 3; excused, 3.

Voting yea: Senators Bailey, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, North, Odegard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Stortini, Talley, Van Hollebeke, von Reichbauer, Wanamaker, Wilson, Woody—40.

Voting nay: Senators Beck, Sellar, Walgren—3.

Absent or not voting: Senators Fleming, Lewis (Harry), Washington—3.

Excused: Senators Cunningham, Keefe, Newschwander—3.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 198, 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 Day, Engrossed Substitute House Bill No. 198, as amended by the Senate, was ordered immediately transmitted to the House.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of Engrossed Substitute House Bill No. 206.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 206, by Committee on Ways and Means (originally sponsored by Representatives Bagnariol, Flanagan, Shinpoch and Pardini) (by Executive request):

Adopting the capital budget.

REPORT OF STANDING COMMITTEE

May 15, 1975.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 206, adopting the capital budget (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, beginning on line 11, strike the remainder of the bill and insert the following:

"NEW SECTION. Sec. 2. The legislature finds that present management of capital projects does not always ensure a systematic review of project increments such as planning, design, site acquisition, and construction. Projects are not regularly subjected to independent technical review concerning less costly alternatives nor are such projects regularly considered in context with master planning projections.

The office of program planning and fiscal management, in order to ensure management control, shall prepare a capital construction projects management plan for every item included in this act, except that fire and safety projects and maintenance type projects may be exempted from the master plan and program plan provisions of this section when such exemptions are approved by the office of program planning and fiscal management. Such capital construction projects management plan shall consider, but not necessarily be limited to, the following elements:

- (1) Master plan;
- (2) Program plan;
- (3) Physical plan; and
- (4) Construction.

The management plan shall provide for technical feasibility review of capital projects by the department of general administration and provision for incremental approvals of capital projects.

The management plan for capital projects shall be submitted to the legislature, no later than January 1, 1976, along with the recommendations of the office of program planning and fiscal management and the department of general administration concerning technical feasibility, schedules for the release of funds by project increments, and other pertinent concerns regarding capital projects approved in this act.

For the purposes of this section:

"Master plan" includes, but is not limited to, identification and analysis of present institutional programs and a minimum five year projection thereof; identification and categorization of current physical facilities and an analysis of effectiveness of utilization; an analysis of match between program and necessary physical facilities based on objective standards as developed by appropriate state agencies; and recommendations for sale, purchase, demolition, expansion, renovation, replacement, or relocation of facilities.

"Program plan" relates to a specific project or facility and shall include, but is not limited to, an inventory of amounts and types of space currently available; an analysis of amounts, types, and relative locations of space required for current programs as determined by use of accepted state space standards; an analysis of projected programs and space required; and, if a change in facilities is justified from analysis, recommendations for demolition, remodeling, or construction.

"Physical plan" includes survey and site investigation and architectural and engineering designs.

"Construction" includes detailed budgets and realistic schedules for project implementation.

NEW SECTION Sec. 3. FOR THE DEPARTMENT OF GENERAL ADMINISTRATION

	<i>Reappropriations</i>	<i>From the Fund Designated</i>
(1) Complete construction of Office Building No. 2, remodeling of Executive Mansion and Insurance Building, structural renovation of Legislative Building, and design Executive Office Building (10,040,000)		
General Fund	50,000	
State Building Construction Account	9,990,000	
(2) Install central chiller plant, air conditioning, and remodel legislative facilities		
State Building Construction Account	1,836,000	
(3) Remodeling and maintenance required on Capitol Campus buildings and ground (1,271,120)		
Capitol Building Construction Account	300,000	971,120
(4) Continuing maintenance of Deschutes Basin, dam, and area landscaping (35,500)		
Capitol Building Construction Account	5,000	30,500
(5) Acquisition, development and improvements of lands, improvements and facilities within the East Capitol Site		

Capital Purchase and Development Account	100,000	
(6) Remodel and repair of elective officials offices		
Capitol Building Construction Account	86,000	
(7) Remodel State Capitol Mu- seum building (66,500)		
Capitol Building Construction Account	5,000	61,500
(8) Capitol campus master plan (100,000)		
Capitol Building Construction Account	50,000	50,000
(9) Complete construction of In- surance Building renovation, Legisla- tive Building structural repairs, and West Campus chilled water plant		
Capitol Building Construction Account		2,640,487
(10) Revised Oil Delivery and Storage Facility		
Capitol Building Construction Account		124,276
(11) Landscape plaza surrounding Office Building No. 2		
State Building Construction Account		250,000
(12) Remodel campus buildings to ensure that all areas of the campus are accessible to the physically handi- capped		
Capitol Building Construction Account		305,000
(13) Embankment repair north of Temple of Justice		
Capitol Building Construction Account		199,470
(14) Modification to computer area of Office Building No. 2 to include uninterruptable power system, security system, air conditioning and raised flooring		
State Building Construction Account		1,039,000
(15) Extension of central control and monitoring system of Office Building No. 2 to all campus buildings to provide monitoring of building utility and safety systems such as heat- ing, cooling, fire alarms, and security		
Capitol Building Construction Account		563,060

(16) Study of all West Campus buildings to determine needed fire protection systems		
Capitol Building		
Construction Account		34,160
(17) Extend steam lines to Employment Security Building		
Capitol Building		
Construction Account		100,423
(18) Provision of additional funds to offset effects of unanticipated cost increases in air conditioning the Legislative Building		
State Building		
Construction Account		1,049,067
(19) Engineering planning and design of Capitol Lake rehabilitation		
State Building		
Construction Account		425,000
(20) Continuing development of recreation areas around Capitol Lake		
Capitol Building		
Construction Account		61,000
(21) Installation of air-conditioning system in General Administration Building		
Capitol Building		
Construction Account		160,000
(22) Replace heating and cooling coils and rearrange dampers in the Highways-Licenses Building, Employment Security Building and Archives Building		
Capitol Building		
Construction Account		288,092
(23) Renovate Old Capitol Building to conform to health and safety requirements of the Occupational Safety and Health Act, building and fire codes, and to provide access for the physically handicapped		
State Building		
Construction Account		3,580,416

NEW SECTION. Sec. 4. FOR THE MILITARY DEPARTMENT

	<i>Reappropriations</i>	<i>From the Fund Designated</i>
(1) Construct new armory—Aberdeen		
General Fund		296,950
(2) Construct, repair, remodel buildings and improve facilities		
General Fund	79,117	

(3) Schematic plans for future projects (19,866)		
General Fund	11,610	8,256
(4) Architectural and Engineering and other pre-construction work (48,592)		
General Fund	9,168	39,424
(5) Acquire Land for new Armory—Vancouver		
General Fund		50,000
(6) Construct new armory—Seattle		
Seattle Armory Fund	30,200	
(7) Construct new Armory Ephrata		
General Fund		225,000

NEW SECTION. Sec. 5. FOR THE DEPARTMENT OF SOCIAL AND HEALTH SERVICES

	<i>Reappro- priations</i>	<i>From the Fund Designated</i>
(1) For the Adult Correction Program		
(a) Construct and equip Automotive Vocational Training Building—Washington State Penitentiary		
General Fund	89,400	
(b) Locking system for wing six, Washington State Penitentiary		
General Fund	8,310	
(c) Fire and safety improvements, Washington State Penitentiary		
General Fund		151,000
(d) Modification of existing laundry facilities, Washington State Reformatory		
CEP & RI Account		130,000
(e) Modernization of resident (inmate) living areas—Washington State Reformatory		
General Fund	477,751	
(f) Construct and equip Recreation Building—Purdy Treatment Center for Women		
General Fund		113,000
(g) Construct and equip new Women's Correctional Institution—Purdy Treatment Center for Women (17,229)		
General Fund	10,099	
CEP & RI Account	7,130	
(h) Renovate roofs, Washington Correction Center		
CEP & RI Account		150,000
(i) Construct and equip work re-		

lease housing unit, Indian Ridge Treatment Center		
General Fund		155,250
(j) Dormitory, kitchen equipment, Larch Mountain Honor Camp		
General Fund		200,000
(k) Firland Correction Center		
DSHS Construction Account (HJR 52)		60,000
(2) For the Juvenile Rehabilitation Program		
(a) Secondary power supply, Naselle Youth Camp		
CEP & RI Account		35,515
(b) Construct and equip four residential living units, Naselle Youth Camp		
DSHS Construction Account (HJR 52)		1,458,000
(c) Remodel kitchen, Mission Creek Youth Camp		
General Fund		59,771
(d) Construct and equip treatment security unit, Maple Lane School		
State Building and Higher Education Construction Account	1,229	
(e) Construct and equip group home		
General Fund	24,763	
(f) Improvements to meet fire marshal recommendation at Green Hill School		
General Fund		70,136
(g) New roof on recreation building at Green Hill School		
General Fund		15,000
(3) For the Mental Health Program		
(a) Renovate bathrooms, Eastern State Hospital		
General Fund		40,000
(b) Construct and equip a 150-bed psychiatric hospital (Medical Lake): PROVIDED, That the design and construction of this facility shall be such that it may be expanded by further construction if added beds are required: PROVIDED FURTHER, That no currently existing structure at this facility shall be demolished as a result of this construction		
DSHS Construction Account (HJR 52)		2,325,000
(c) Construct and equip Pharmacy		

and Central Supply Building, Western State Hospital		
CEP & RI Account	48,583	
(d) Fire alarm and detection, Phase II, Western State Hospital		199,200
General Fund		
(e) Remodel and equip kitchen and dining room; construct Refrigeration Building, Western State Hospital		
CEP & RI Account	288,965	
(f) Construct and equip a 350-bed psychiatric hospital (Steilacoom)		
DSHS Construction Account (HJR 52)		6,985,000
(4) For the Developmental Disabilities Program		
(a) Replace Redwood Hall, Fircrest School (10,064)		
General Fund	2,968	
State Building and Higher Education Construction Account	7,096	
(b) Construct and equip Activities Building, Fircrest School		
General Fund	3,337	
(c) Construct a covered outdoor area, Interlake School		
General Fund	4,819	
(d) Construct and equip an Instructional Services Building, Rainier School		
State Build and Higher Education Construction Account	16,649	
(e) Renovation, Rainier School		
DSHS Construction Account (HJR 52)		2,766,432
(f) Upgrade utilities, Phase II, Rainier School		
General Fund		425,000
(g) Construct and equip dietary addition, Lakeland Village		
CEP & RI Account	160,433	
(h) Construct lavatory facilities—residential halls, Lakeland Village		
CEP & RI Account	362,116	
(i) Construct and equip a 225-bed developmental disabilities residential unit and construct and equip dietary addition, Phase II, Lakeland Village		
DSHS Construction Account (HJR 52)		4,816,271

(j) Repair of road and parking areas, Lakeland Village General Fund		137,780
(k) Repair floors, Lakeland Village General Fund		253,452
(l) Install new elevator, Yakima Valley School General Fund		134,540
(m) Kitchen renovation, School for the Blind General Fund	9,524	
(n) Renovate kitchen, primary area, and Administration Building, School for the Blind General Fund		320,000
(o) Construct new commissary building at the School for the Blind General Fund		200,000
(p) Install fire alarms and smoke detectors for four cottages and the primary school at the School for the Blind General Fund		50,000
(q) Install exterior freight only elevator on the existing commissary building at the School for the Blind General Fund		12,500
(r) Construct and equip Advanced Classroom Building, School for the Deaf General Fund	493,921	
(s) Construct a covered outdoor area, School for the Deaf General Fund	21,316	
(t) Remodel kitchen-dining room building at the School for the Deaf General Fund	61,287	
(u) Provide secondary source of power, School for the Deaf CEP & RI Account		43,680
(v) Provide fire and safety improvements, School for the Deaf General Fund		46,900
(w) Remodel superintendent's residence for Student Union Building, School for the Deaf CEP & RI Account		30,000
(x) Demolish Watson Hall at State School for the Deaf General Fund		44,000
(y) For site development and construction of a community educational facility for the developmentally disa-		

bled: PROVIDED, That the appropriation contained in this subsection is contingent upon acquisition of the former Nike-Ajax site from the Kent School District and department of health, education and welfare

DSHS Construction
Account (HJR 52)

300,000

(5) For Veterans' Services Program

(a) Remodel and equip kitchen,
Phase II, Soldiers' Home
General Fund

340,849

(b) Fire, safety, and health, Veterans' Homes

Upgrade to fire, safety, and health standards, and construct a 100-bed nursing facility at the Veterans' Home and a 40-bed nursing addition at the Soldiers' Home and Colony. Facilities will meet state licensing standards (5,250,142)

General Fund—State

369,927*

DSHS Construction

Account (HJR 52)

1,183,075

General Fund—Federal

1,300,000

CEP & RI Account

200,000

2,197,140

*To be repaid from CEP & RI Account in the 1975-77 biennium.

(c) Replace boilers, Veteran's Home (201,250)

General Fund—State

130,800

General Fund—Federal

70,450

(6) General

(a) Upgrade for fire and safety standards (Omnibus)

To upgrade fire and safety standards per recommendation of the state fire marshal and safety inspectors and to provide a contingency fund for unanticipated capital needs and cost overruns

General Fund

637,642

(b) Repair and improve utilities — (Omnibus)

Renovate water, electric, steam, and sewer lines; replace boilers, provide contingency fund for unanticipated needs and cost overruns (400,576)

General Fund

397,884

CEP & RI Account

2,692

(c) Repair and improve facilities — (Omnibus)

Provide for minor repairs to roofs, roads, parking areas, and buildings and provide contingency fund for

unanticipated needs and cost over-		
runs (1,057,210)		
General Fund	557,210	500,000
(d) Preplanning projects 1973-79		
General Fund	184,778	
(e) Social and Health Services Fa-		
cilities (To be allocated for specific		
projects) (24,797,240)		
State and Local		
Improvement Revolving		
Fund	10,047,240	14,750,000
(f) Contingency Expense Fund		
DSHS Construction		
Account (HJR 52)		585,000

NEW SECTION. Sec. 6. FOR THE EMPLOYMENT SECURITY DEPARTMENT

	<i>Reappro-</i>	<i>From the</i>
	<i>priations</i>	<i>Fund Designated</i>
Improvement of existing central office buildings and necessary related costs: PROVIDED, That this appropriation shall be available only to the extent that federal funds under Section 903 of the Federal Social Security Act are made available for this purpose: PROVIDED FURTHER, That this appropriation is made pursuant to and is limited by provisions of section 903-C(2) of the Federal Social Security Act as amended: PROVIDED FURTHER, That any unexpended balance of said federal funds shall be promptly returned to the account of the State of Washington in the Unemployment Compensation Trust Fund as may be required by federal law or regulation		
Unemployment Compensation Administration Fund	90,000	

NEW SECTION. Sec. 7. FOR THE DEPARTMENT OF ECOLOGY

	<i>Reappro-</i>	<i>From the</i>
	<i>priations</i>	<i>Fund Designated</i>
(1) For the construction of ground water observation wells		
State and Local Improve-		
ments Revolving Account —		
Water Supply Facilities as		
provided by		
chapter 128, Laws		
of 1972 ex. sess.		154,166
(2) Construct sewerage systems and waste disposal facilities in Twin Harbors, Dash Point, Lake Wenatchee, Bogachiel, Wenberg, Conconully,		

Kopachuck, Lake Easton, Bay View, Pearrygin Lake, Deception Pass, Yakima, Larrabee, Curlew Lake, Camano Island, Lake Osoyoos, Fay Bainbridge, Brooks Memorial, South Whidbey, Illahee, Mount Spokane, Horsethief Lake, Riverside and Lewis and Clark Trail state parks including but not limited to collector systems, treatment facilities, lift stations, trailer dumps and lagoons: PROVIDED, That prior to construction all system and facility plans and project specifications are approved by the Department of Ecology to assure compliance with state public health standards (1,-883,600)

State and Local Improvements Revolving Account — Waste Disposal Facilities as Provided by chapter 127, Laws of 1972 ex. sess.

1,443,500

440,100

(3) For construction of improved sewage and waste disposal facilities at existing department of social and health services facilities to meet established discharge requirements

State and Local Improvements Revolving Account — Waste Disposal Facilities as provided by chapter 127, Laws of 1972 ex. sess.

1,050,000

(4) Construct water supply improvements in Sequim Bay, Beacon Rock, Twanoh, Potlatch, Lake Cushman, Old Fort Townsend, Deception Pass, Moran, Rockport, Mount Pilchuck, Brooks Memorial, Camp Wooten, Fields Spring, Ginkgo, Mount Spokane, Squilchuck, Sun Lakes (Dry Falls), Federation Forest and Fort Canby state parks: PROVIDED, That prior to construction all plans and specifications are approved by the Health Services Division of the Department of Social and Health Services to assure compliance with state public health standards

State and Local Improvements Revolving Account — Water Supply Facilities as provided by chapter 128, Laws of 1972, ex. sess.

694,000

(5) Connect to Gig Harbor sewage disposal unit — Purdy Treatment Center for Women

State and Local Improvements Revolving Account — Waste Disposal Facilities as provided by chapter 127, Laws of 1972 ex. sess.

150,000

NEW SECTION. Sec. 8. FOR THE STATE PARKS AND RECREATION COMMISSION

	<i>Reappropriations</i>	<i>From the Fund Designated</i>
(1) Construct, repair, and improve state park facilities (878,093)		
General Fund	321,293	
Outdoor Recreation Account		556,800
(2) Schematics and pre-planning		
Outdoor Recreation Account		150,000
(3) Purchase and develop park sites, boating facilities, group camp facilities, and historical and archeological sites pursuant to the provisions of section 4(1), chapter 129, Laws of 1972 ex. sess.: PROVIDED, That the commission shall not purchase, acquire, or receive any abandoned state highway rights-of-way in the vicinity of ocean beaches, unless the commission currently owns highlands or lowlands abutting said rights-of-way (2,228,840)		
Outdoor Recreation Account	591,840	1,637,000
(4) Modernization and improvements at Fort Worden, Jarrell Cove, Rainbow Falls, Beacon Rock, Twanoh, Millersylvania, Twin Harbor, Penrose Point, Lake Cushman, Sequim Bay, Paradise Point, Deception Pass, Peace Arch, Nolte, Birch Bay, Fort Casey, Federation Forest, Camano Island, Moran, Mount Pilchuck, Moses Lake, Sacajawea, Lake Chelan, Alta Lake, Lake Wenatchee, Squilchuck, Fields Spring, Crawford, Fort Simcoe, Dosewallips, Seaquest, Dash Point, Larabee, Central Ferry, Curlew Lake, and Steamboat Rock state parks pursuant to the provisions of section 4(3), chapter 129, Laws of 1972 ex. sess.: PROVIDED, That a joint study by the state parks and recreation commission and the office of program planning and fiscal management shall be conducted to determine (a) the total capital cost requirements of Fort Worden State Park; and (b) the cost difference be-		

tween maintaining historical integrity of the buildings and using modern building techniques: PROVIDED FURTHER, That such a study shall be submitted to the standing ways and means committees by December 1, 1975 (5,829,950)

State and Local Improvements Revolving Account — Public Recreation Facilities	1,060,000	4,769,950
(5) Purchase and develop park sites, boating facilities, group camp facilities, and historical and archeological sites (3,489,518		
Outdoor Recreation Account	2,656,518	833,000
(6) Acquisition and development of areas for All-Terrain Vehicle utilization		
Outdoor Recreation Account		172,751
(7) Green River Gorge acquisition		
Outdoor Recreation Account		123,520
(8) Fort Canby development		
Outdoor Recreation Account		640,000
(9) Wallace Lake acquisition and development		
State and Local Improvements Revolving Account — Public Recreation Facilities		250,000

NEW SECTION. Sec. 9. FOR THE DEPARTMENT OF FISHERIES.

	<i>Reappropriations</i>	<i>From the Fund Designated</i>
(1) Construct and improve fish farms, rearing ponds, spawning channels, hatcheries, fishways and other fish facilities, purchase land and make emergency repairs to structures (8,879,185)		
General Fund—State	420,535	5,167,400
General Fund—Federal	620,300	2,670,950
(2) Acquisition and development of access facilities, boat launching facilities, fishing facilities, and tour facilities at hatcheries (1,062,689)		
Outdoor Recreation Account		497,000
Outdoor Recreation Account appropriation pursuant to		

the provisions of section 4(1),
chapter 129, Laws of 1972
ex. sess.

565,689

NEW SECTION. Sec. 10. FOR THE DEPARTMENT OF GAME

	<i>Reappro- priations</i>	<i>From the Fund Designated</i>
(1) Purchase, construct, improve and equip fish and game protective facilities, administrative facilities, buildings, hatcheries, game farm facilities, rearing ponds, and game range facilities (3,727,096)		
Game Fund-State		1,160,848
Game Fund- Federal (Reimbursable)		2,179,648
Game Fund- Local (Reimbursable)		386,600
(2) Purchase and develop lands for outdoor recreation (3,405,500)		
Outdoor Recreation Account		472,500
Outdoor Recreation Account appropriation pursuant to the provisions of section 4(1), chapter 129, Laws of 1971 ex. sess.	2,308,000	625,000

NEW SECTION. Sec. 11. FOR THE DEPARTMENT OF NATURAL RESOURCES

	<i>Reappro- priations</i>	<i>From the Fund Designated</i>
(1) Construct honor camp bridges and culverts, construct and equip honor camp facilities, administrative facilities, lookout towers, fire protective facilities, nursery facilities, and area offices (1,953,221)		
General Fund		145,000
Resource Management Cost Account	3,329	1,128,280
CEP & RI Account		676,612
(2) Purchase right-of-way, construct reclamation and timber access roads, construction irrigation systems, and other land development facilities and tideland facilities (12,492,770)		
Resource Management Cost Account	2,265,070	9,442,800
Forest Development Account	246,900	538,000
(3) Acquire and develop land for recreation uses including trails, scenic roads, shorelands, forest lands, ecolog-		

ical areas, and other areas managed by the Department (2,774,251)

Outdoor Recreation Account	1,496,100	372,500
Outdoor Recreation account appropriation pursuant to section 4(1), chapter 129, Laws of 1972 ex. sess.	433,340	472,311
(4) Acquisition and construction of trails and sites for All-Terrain Vehicle utilization		
Outdoor Recreation Account		584,265

NEW SECTION. Sec. 12. FOR THE UNIVERSITY OF WASHINGTON

	<i>Reappropriations</i>	<i>From the Fund Designated</i>
(1) Construct and equip Phase II, renovation and provide working drawings for Phase III renovation of Bagley Hall (1,970,000)		
University of Washington Building Account	1,700,000	270,000
(2) Construct and equip space for Academic Computer Center State Building and Higher Education Construction Account	1,100,000	
(3) Construct and equip renovations to Gowen Hall		
University of Washington Building Account	1,144,186	
(4) Construct and equip renovations to Health Science complex (3,050,000)		
University of Washington Building Account	550,000	2,500,000
(5) Construct and equip renovations to Johnson Hall		
University of Washington Building Account	1,165,000	
(6) Construct and equip renovations to Moore Hall		
University of Washington Building Account	550,000	
(7) To provide working drawings for renovation to Smith Hall		

University of Washington Bqilding Account	555,814	
(8) Construct and equip renovations and additions to teaching hospital (11,562,793)		
Building Authority Construction Account	3,562,793	8,000,000
(9) Provide preliminary design of 1977-79 projects		
University of Washington Building Account	70,000	
(10) Construct and equip renovations and extensions to utility systems and buildings (6,534,841)		
University of Washington Building Account	2,034,841	4,500,000
(11) Complete working drawings to finish basement of Kane Hall		
University of Washington Building Account		76,000
(12) Complete working drawings for classroom, office, and library space for social work		
University of Washington Building Account		356,000
(13) Complete working drawings on consolidated facilities for marine studies program		
University of Washington Building Account		400,000
(14) Provide preliminary design of gymnasium and locker room space addition to Edmundson Pavilion		
University of Washington Building Account		36,000
(15) Purchase and install color television equipment for KCTS-Channel 9		
University of Washington Building Account		1,500,000
(16) Provide preliminary design for Biology Instructional Facility		
University of Washington Building Account		318,000

NEW SECTION. Sec. 13. FOR WASHINGTON STATE UNIVERSITY

	<i>Reappro- priations</i>	<i>From the Fund Designated</i>
(1) Construct and equip teaching, research and office space for the biological sciences (9,199,400)		
State Higher Education Construction Account	8,889,000	
Washington State University Building Account		310,400
(2) Construct and equip library stack and reader space (5,536,700)		
Washington State University Building Account	2,594,700	
State Higher Education Construction Account	2,942,000	
(3) Construct and equip office and laboratory space for USDA and NWS Office/Laboratory Construction Account	1,800,000	
(4) Construct and equip renovation to Arts Hall, includes relocation of KWSU-TV transmitter and tower		
Washington State University Building Account	38,536	
(5) Provide preliminary design of 1977-79 capital projects		
Washington State University Building Account	61,000	
(6) Construct and equip major renovations to buildings, including implementation of safety standards (2,410,700)		
Washington State University Building Account	1,077,300	1,333,400
(7) Construct and equip modifications to utility production and distribution systems (1,965,700)		
Washington State University Building Account	865,700	1,100,000
(8) Working drawings for animal holding facilities on campus for teaching and research		
Washington State University Building Account		114,000

(9) Construct and equip renovation to Bryan Hall		
Washington State University Building Account	191,000	
(10) Working drawings for central warehouse and storage		
Washington State University Building Account		56,300
(11) Construct and equip classroom laboratories and office for veterinary sciences as well as laboratories for state animal diagnostic center (9-123,500)		
Washington State University Building Account	82,000	
State Higher Education Construction Account		9,041,500
(12) Working drawings for animal facilities at Hastings farm for teaching and research		
Washington State University Building Account		86,000

NEW SECTION. Sec. 14. FOR EASTERN WASHINGTON STATE COLLEGE

	<i>Reappropriations</i>	<i>From the Fund Designated</i>
(1) Construct and equip alternations and life safety improvements to facilities (300,000)		
Eastern Washington State College Capital Projects Account	40,000	260,000
(2) Construct and equip a special events structure (283,500)		
Eastern Washington State College Capital Projects Account	280,000	
State Higher Education Construction Account	3,500	
(3) Construct and equip renovations to Science and Isle buildings		
Eastern Washington State College Capital Projects Account	620,600	
(4) Construct and equip alterations to Martin Hall to meet health standards		
Eastern Washington State College Capital Projects Account	35,000	

(5) Construct Phase I of biological research laboratory and working drawings, Phase II

Eastern Washington
State College Capital
Projects Account 7,000

(6) Construct and equip utility loop system and implement safety improvements (908,000)

Eastern Washington
State College Capital
Projects Account 50,000 858,000

(7) Complete working drawings for centralized maintenance shops

Eastern Washington
State College Capital
Projects Account 45,000

(8) Complete landscaping and walkways, physical education complex

Building Authority
Construction Account 10,000

(9) Complete preliminary design of plant services warehouse

Eastern Washington
State College Capital
Projects Account 10,000

(10) Construct and equip fieldhouse portion of physical education complex

State Higher Education
Construction Account 2,456,600

(11) Complete working drawings on aquatics portion of physical education complex

Eastern Washington
State College Capital
Projects Account 60,000

NEW SECTION. Sec. 15. FOR CENTRAL WASHINGTON STATE COLLEGE

Reappropriations From the Fund Designated

(1) Purchase land for new boiler plant site

Central Washington
State College Capital
Projects Account 20,000

(2) Construct and equip classrooms, offices and laboratories for Psychology (35,000)

Central Washington
State College Capital
Projects Account 5,000
State Building Authority
Construction Account 30,000

(3) Construct and equip reader, service, stack, classrooms and offices

State Building and Higher Education Construction Account	250,000	
(4) Construct and equip boiler house and emergency generator Central Washington State College Capital Projects Account	25,000	
(5) Purchase and install utility dis- tribution monitoring system Central Washington State College Capital Projects Account	20,000	
(6) Construct and equip alterations to facilities including safety standard implementation (461,500) Central Washington State College Capital Projects Account	1,500	460,000
(7) Complete pedestrian walks and landscape library/instruction complex construction site (69,000) Central Washington State College Capital Projects Account	5,000	64,000
(8) Construct and equip renova- tions to utility systems (819,500) Central Washington State College Capital Projects Account	334,500	485,000
(9) Complete preliminary design on 1977-79 projects including Barge Hall renovation (61,000) Central Washington State College Capital Projects Account	11,000	50,000
(10) Purchase and install boilers in new boiler house State Higher Education Construction Account	1,840,900	
(11) Purchase and install moveable equipment for new library Central Washington State College Capital Projects Account		100,000
(12) Complete working drawings for physical education office, class- room, and recreation building Central Washington State College Capital Projects Account		142,000
(13) Complete working drawings for replacement greenhouse		

Central Washington State College Capital Projects Account	20,000
(14) Complete working drawings for remodeling of Bouillion Library Central Washington State College Capital Projects Account	54,000
(15) Complete working drawings for remodeling to house theatre and drama facilities Central Washington State College Capital Projects Account	127,000

NEW SECTION. Sec. 16. FOR THE EVERGREEN STATE COLLEGE

	<i>Reappro- priations</i>	<i>From the Fund Designated</i>
(1) Construct and equip laboratory and office building State Higher Education Construction Account	4,500,000	
(2) Construct and equip Seminar Building, Phase I (163,000) State Building and Higher Education Construction Account	81,000	
	82,000	
(3) Site improvements and utilities expansion The Evergreen State College Capital Projects Account	65,000	
(4) Clear, grade, and complete col- lege parkway The Evergreen State College Capital Projects Account	80,000	
(5) Construct and equip Communi- cations Arts Laboratory (5,800,000) The Evergreen State College Capital Projects Account	800,000	
	5,000,000	
(6) Clear, grade, pave, and com- plete road intersection and minor landscaping The Evergreen State College Capital Projects Account	40,000	
(7) Construct and equip science laboratories, Phase I State Building Authority Construction Account	35,000	

(8) Complete essential storm drainage, electrical and water supply system improvements

State Higher Education
Construction Account

125,000

NEW SECTION. Sec. 17. FOR WESTERN WASHINGTON STATE COLLEGE

Reappropriations *From the
Fund Designated*

(1) Purchase land for academic service and recreation

Western Washington
State College Capital
Projects Account

171,485

(2) Preliminary design of 1977-79 requested projects (36,891)

Western Washington
State College Capital
Projects Account
State Higher Education
Construction Account

25,430

11,461

(3) Moveable equipment for academic buildings

Western Washington
State College Capital
Projects Account

22,150

(4) Construct and equip utility system expansion and repairs (2,129,040)

General Fund—State
Western Washington
State College Capital
Projects Account

103,295

645,745

1,380,000

(5) Construct and equip renovations to facilities (357,664)

General Fund—State
Western Washington
State College Capital
Projects Account

43,060

208,604

106,000

(6) Construct and equip Arts Building addition

Western Washington
State College Capital
Projects Account

22,579

(7) Construct and equip social science classrooms, offices and laboratories

Western Washington
State College Capital
Projects Account

1,226

(8) Construct and equip marine laboratory (57,104)

State Building Authority
Construction Account

34,437

State Higher Education Construction Account	22,667	
(9) Construct and equip addition to heating plant		
State Building Authority Construction Account	5,812	
(10) Construct and equip science program classrooms, offices and labo- ratories		
State Building Authority Construction Account	117,416	
(11) Construct and equip new and remodeled space for technology and home economics		
State Higher Education Construction Account	1,799,093	
(12) Construct and equip Phase II renovations to Old Main (3,455,583)		
State Higher Education Construction Account	2,705,583	750,000
(13) Construct and equip altera- tions to buildings to implement safety standards		
Western Washington State College Capital Projects Account		250,000
(14) Complete construction and equip Phase I renovation of Old Main		
Western Washington State College Capital Projects Account	109,250	
(15) Provide working drawings for campus warehouse and maintenance shops		
Western Washington State College Capital Projects Account		122,000
(16) Provide working drawings for completion of interior of auditorium/music addition		
Western Washington State College Capital Projects Account		92,000
(17) Provide working drawings for essential recreation fields and land- scaping		
Western Washington State College Capital Projects Account		107,000

NEW SECTION. Sec. 18. FOR THE STATE BOARD FOR COMMUNITY COLLEGE EDUCATION

	<i>Reappro- priations</i>	<i>From the Fund Designated</i>
(1) For the payment of relocatable facilities and equipping technology programs on the south campus of the Seattle Community College: PROVIDED, That the Director of the Office of Program Planning and Fiscal Management may allocate from this appropriation no more than shall be realized from the pending sale of the real property and improvements thereto known as the Holgate branch of the Seattle Community College General Fund—State	159,242	
(2) Construction, repairs, remodeling, land acquisition, equipment, and other capital improvements for Seattle Community College: PROVIDED, That the source of funds for this appropriation be from the sale of the following described real property and any fixtures thereon: All of Block numbered 11 of Hill Tract Addition to the City of Seattle, King County, Washington; bounded on the East by 19th Avenue, on the South by Main Street, on the West by 18th Avenue, and on the North by the imaginary center line of Washington Street, extended Easterly to its intersection with 19th Avenue General Fund—State	857,600	
(3) For construction, repairs, remodeling, equipment, and other capital improvements at Peninsula community college General Fund—State	10,313	
(4) Construction, design, remodeling, conversion, land acquisition, renovation, alteration, and working drawings of vocational, academic, and other community college facilities (34,-858,524) Community College Capital Projects Account Community College Capital Improvements Account	13,020,624 21,837,900	
(5) Emergency capital repairs (864,000) Community College		

Capital Projects Account	364,000	
Community College Capital Construction Account		500,000
(6) Construct and equip alterations and renovations that will abate haz- ardous conditions		
Community College Capital Construction Account		877,000
(7) Purchase, install, equip, and administer a pool of relocatable facili- ties (349,000)		
Community College Capital Projects Account	24,000	
Community College Capital Construction Account		325,000
(8) Construct and equip alterations that will correct deficiency conditions in existing facilities		
Community College Capital Construction Account		696,000
(9) Construct and equip vocational instruction, office, and learning re- source facilities and remodel facilities at Spokane Community college (11,- 889,000)		
Community College Capital Improvements Account		1,622,565
Community College Capital Construction Account		10,266,435
(10) Construct and equip vocational instruction and office facilities and remodel for learning resource facilities at Green River Community College		
Community College Capital Improvements Account		1,240,000
(11) Construct and equip vocational instruction, learning resource, and remodel facilities at Lower Columbia Community College		
Community College Capital Improvements Account		2,653,000
(12) Construct and equip vocational and science instruction, office and remodel facilities at Everett Commu- nity College		

Community College Capital Improvements Account	2,193,000
(13) Construct and equip vocational instruction, learning resources, and dining facilities and remodel facilities at Peninsula Community College Community College Capital Improvements Account	692,000
(14) Construct and equip addition to learning resource center, classroom/office building and complete science laboratories at Shoreline Community College Community College Capital Improvements Account	1,706,000
(15) Construct and equip student center and remodel existing space for offices at Columbia Basin Community College Community College Capital Improvements Account	1,655,000
(16) Construct and equip a student center, offices, and an addition to the library at Spokane Falls Community College Community College Capital Improvements Account	3,656,000
(17) Construct and equip vocational instruction space at South Seattle Community College Community College Capital Improvements Account	673,000
(18) Construct and equip dining and student activity facilities at Fort Steilacoom Community College Community College Capital Improvements Account	1,142,000
(19) Construct and equip addition to dining and student activity areas and remodel existing space at Yakima Valley College Community College Capital Improvements Account	579,000
(20) Construct and equip physical education, science laboratory, and dining facilities at Edmonds Community College	

Community College Capital Improvements Account	2,805,000
(21) Construct and equip learning resource center and remodel existing space at Olympic Community College Community College Capital Improvements Account	1,489,000
(22) Construct and equip student activity facility at Walla Walla Com- munity College Community College Capital Improvements Account	528,000
(23) Working drawings for new learning resource center, central storage and remodeling of existing fa- cilities at Highline Community Col- lege Community College Capital Construction Account	277,000
(24) Working drawings for addition to learning resource center and struc- tural improvements at Clark Commu- nity College Community College Capital Construction Account	44,000
(25) Working drawings for utility distribution tunnels at Highline Com- munity College Community College Capital Construction Account	61,000
(26) Working drawings for fine arts and office space in Old Broadway High School auditorium at Central Seattle Community College Community College Capital Construction Account	116,000
(27) Working drawings for repairs to Ehret Hall at Centralia Community College Community College Capital Construction Account	24,000
(28) Working drawings for instruc- tion space for music at Shoreline Community College Community College Capital Construction Account	40,000

(29) Working drawings for learning resource center, vocational, fine arts, and skills lab instructions space as well as storage and student activity space at South Seattle Community College Community College Capital Construction Account	213,000
(30) Working drawings for maintenance shops and water mains at Green River Community College Community College Capital Construction Account	80,000
(31) Working drawings for alterations to Art and Music Building for handicapped students at Olympic Community College Community College Capital Construction Account	14,000
(32) Working drawings for greenhouse and science laboratory at Everett Community College Community College Capital Construction Account	5,000
(33) Working drawings for renovations to vocational facilities at Clark Community College Community College Capital Construction Account	31,000
(34) Working drawings for flight planning program facilities at Big Bend Community College Community College Capital Construction Account	4,000
(35) Working drawings for vocational office, and storage space at Lower Columbia Community College Community College Capital Construction Account	82,000
(36) Working drawings for converting dormitory space to offices at Olympic Community College Community College Capital Construction Account	5,000
(37) Working drawings for welding laboratories and storage space at Everett Community College	

Community College Capital Construction Account		14,000
(38) Working drawings for geology laboratory at Highline Community College		
Community College Capital Construction Account		6,000
(39) Construct and equip health, physical education, and recreation fa- cility at Walla Walla Community Col- lege. The proceeds from the sale of the old physical education facility shall provide an additional source of funds for the project contained in this subsec- tion		
Community College Capital Construction Account		600,000
(40) Preplanning for the 1977-79 capital budget request		
Community College Capital Construction Account		65,000

**NEW SECTION. Sec. 19. FOR THE BOARD OF EDUCATION-SUPERIN-
TENDENT OF PUBLIC INSTRUCTION**

	<i>Reappro- priations</i>	<i>From the Fund Designated</i>
Public school building planning, construction, remodeling and demoli- tions: PROVIDED, That an amount not to exceed \$205,000 shall be uti- lized to fund the school buildings sys- tems study as directed by RCW 28A.04.310: PROVIDED FURTHER, That funds appropriated in this section shall not be expended for either plan- ning or construction of occupational skill centers (172,835,085)		
Common School Building Construction Account	3,900,000	
Common School Construction Fund	49,612,893	119,322,192

**NEW SECTION. Sec. 20. FOR THE EASTERN WASHINGTON STATE HIS-
TORICAL SOCIETY**

	<i>Reappro- priations</i>	<i>From the Fund Designated</i>
(1) Pave parking lot on land do- nated to the Society		
General Fund	6,800	
(2) Replace roof on main museum building		

General Fund-
State Building
Construction Account

12,000

NEW SECTION. Sec. 21. FOR THE STATE PATROL

	<i>Reappro- priations</i>	<i>From the Motor Vehicle Fund</i>
(1) Relocation of existing weigh stations (228,900)		
Motor Vehicle Fund	214,900	14,000
(2) Construct radio relay station—Green/Gold mountain (50,750)		
Motor Vehicle Fund	34,750	16,000
(3) Land Acquisition for radio relay station—Columbia river		
Motor Vehicle Fund	50,000	
(4) Site development and construction radio relay stations—North Cross Highway		
Motor Vehicle Fund	150,000	
(5) Construct warehouse—Bellevue		
Motor Vehicle Fund	325,000	
(6) Construct detachment office—Ellensburg		
Motor Vehicle Fund	10,660	
(7) Purchase and renovation of building for detachment office—Moses Lake		75,000
(8) Land acquisition and construction—radio relay station—Pomeroy		40,000
(9) Land acquisition for radio relay station—Clarkston		10,000
(10) Land acquisition for radio relay station—Colville		10,000
(11) Construct addition—Patrol Academy		50,000
(12) Improvements—Detachment Office—Kelso		10,000
(13) Improvements—Detachment office—Chehalis		10,000
(14) Repair of existing facilities		100,000
(15) Replace auxiliary power plants		18,500

NEW SECTION. Sec. 22. The departments of social and health services and general administration shall give primary consideration in both the design and construction of new facilities to: (1) The use of solar energy and other natural and appurtenant heat sources; and (2) the architectural means of exploiting such heat sources. The intent of the requirement imposed by this section is to reduce the state's reliance on the continued use of fossil fuels as a primary energy source and thereby reduce the long term operating costs of new state facilities. The departments shall submit a joint report to both the governor and legislature on the results of the implementation of this section. Such report shall be presented to the next regular session of the legislature for its consideration.

NEW SECTION. Sec. 23. During the 1975-77 biennium the state parks and recreation commission shall make no contractual agreements or receive any donation of real property or an interest therein which commits the commission to either assuming on a current basis or to requesting funds at a future time for development or acquisition costs without prior approval of the legislative budget committee.

NEW SECTION. Sec. 24. The words "capital improvements" or "capital projects" used herein shall mean acquisition of sites, easements, rights of way, or improvements thereon and appurtenances thereto, construction and initial equipment, reconstruction, demolition, or major alterations of new or presently owned capital assets.

NEW SECTION. Sec. 25. Before a capital project shall begin or an obligation is incurred or a contract entered into, the director of the office of program planning and fiscal management, with the approval of the governor and in compliance with section 2 of this act, shall first allot funds therefor or so much as may be necessary from the appropriation made herein.

NEW SECTION. Sec. 26. Additional federal or other receipts and gifts and grants in excess of those estimated in the budget may be allotted by the governor for capital projects included in the capital budget. In addition, the governor may receive and allot any federal funds made available for capital outlay at any one of the six four year institutions of higher education. Whenever possible, funds from other available sources shall be used to finance projects for which general fund appropriations are made in this act.

NEW SECTION. Sec. 27. To effectively carry out the provisions of this act, the governor may assign responsibility for planning, engineering and construction and other related activities to any appropriate agency.

NEW SECTION. Sec. 28. Reappropriations shall be limited to the unexpended balances remaining June 30, 1975, in the current appropriation for each project.

NEW SECTION. Sec. 29. The governor, through the director of the office of program planning and fiscal management, may authorize a transfer of funds appropriated for a capital project in excess of the amount required for the completion of such project to another capital project for which the appropriation is insufficient only within the department of social and health services, or between appropriations for a specific department, commission or institution of higher education. No such transfer shall be used to expand the capacity of any facility beyond that anticipated by the legislature in making the appropriation. A report of any transfer effected under this section shall be filed with the legislative auditor for transmittal to the legislative budget committee by the director of the office of program planning and fiscal management within thirty days of the date the transfer is effected.

NEW SECTION. Sec. 30. Any capital improvement or capital project for construction, repair or maintenance authorized by this act, unless constructed, pursuant to the provisions of chapter 39.04 RCW, shall be done by contract after public notice and competitive bid: PROVIDED, That this section shall not apply to the acquisition of sites, easements, or rights of way; not to contracts for architectural or engineering services; nor to emergency repairs; nor to any improvement or project costing less than twenty-five hundred dollars; nor to portions of projects involving inmate labor at a state institution: PROVIDED FURTHER, That it is the intent of the legislature that in any decision to contract for capital projects funded as the result of this act, full and fair consideration shall be given to minority contractors.

NEW SECTION. Sec. 31. 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."

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Wilson, Second Vice Chairman; Bailey, Clarke, Fleming, Jones, Lewis (Harry), Marsh, Matson, Murray, Newschwander, Rasmussen, Sandison, Washington.

The bill was read the second time by sections.

Senator Donohue moved adoption of the committee amendment.

On motion of Senator McDermott, the following amendment to the committee amendment was adopted:

On page 9 of the committee amendment, following line 16 insert:

“(g) Construct and equip one community health center DSHS Construction Account (HJR 52) 800,000”

On motion of Senator Woody, the following amendment to the committee amendment was adopted:

On page 18, beginning on line 14 strike all the material down through “Facilities” on line 16 and insert “Outdoor Recreation Account”

Senator Guess moved adoption of the following amendment to the committee amendment:

On page 5, lines 17-19, strike all of subsection (19)

POINT OF INQUIRY

Senator Rasmussen: “Will Senator Guess yield to a question? Senator Guess, I do not have your amendment before me. What does your amendment do?”

Senator Guess: “It just strikes all of subsection (19) on page 5 and it takes out that four hundred and twenty-five thousand dollar boondoggle on the lake.”

Senator Rasmussen: “Thank you, Senator Guess.”

Debate ensued.

POINT OF INQUIRY

Senator Lewis (R. H. “Bob”): “Mr. President and members of the Senate, peacemakers are supposed to be blessed and sometimes they get punched in the nose when they get in the middle, I know, but let me ask this. Senator Guess, would you yield to a question? Does your amendment strike the entire number of dollars for the engineering work?”

Senator Guess: “Yes, sir.”

Senator Lewis (R. H. “Bob”): “That is possibly a bit of overkill, one might think. Is it not possible that there is some reasonable figure for engineering work that would accompany such a job?”

Senator Guess: “Senator Lewis, they had a study last session and they have just completed a study. I have kept in close contact with the people and I know that they have made the proposal and they do not need any more studies. This is compounding the felony with another study.”

Senator Lewis (R. H. “Bob”): “You are saying this is just for another study. Is not this for some engineering design work to be done and things of that nature or is it just truly a study?”

Senator Guess: “They say ‘engineering and design’ but, Senator Lewis, they were supposed to have completed that out of the money we gave them last time and they had a twenty-four man committee that made the determination of the direction they want to go so I cannot see what in heaven’s name they could do with four hundred and twenty-five thousand dollars when they already know the direction they want to go.”

Senator Lewis (R. H. “Bob”): “Senator Guess, I am in agreement with you that four hundred and twenty thousand dollars seems to me to be a little bit more money than might be needed for the project, but I would ask Senator Lewis, if I may — I am trying to be a friend Harry, to both of you.”

POINT OF INQUIRY

Senator Lewis (R. H. “Bob”): “Senator Lewis, would you yield? Would you think there might be a more reasonable figure than four hundred plus thousand dollars that could accomplish the engineering design work necessary?”

Senator Lewis (Harry): “I think the more reasonable figure, Senator Lewis, is four million dollars and I have agreed to go down to four hundred thousand dollars. The thing that amazes me, and I appreciate your spirit of friendship, is that we again have a situation where we have two Spokane legislators deciding what is best for Thurston County.”

Senator Lewis (R. H. “Bob”): “Okay, I will quit helping you.”

Further debate ensued.

Senator Guess moved adoption of the following amendment to the Guess amendment:

Amend the Guess amendment as follows: Instead of striking lines 17-19, strike "425,000" and insert "42,500"

The motion by Senator Guess failed and the amendment to the Guess amendment was not adopted on a rising vote.

The motion by Senator Guess failed and the amendment by Senator Guess to the committee amendment was not adopted.

Senator Van Hollebeke moved adoption of the following amendment to the committee amendment:

On page 5, line 19, strike "425,000" and insert "250,000"

Debate ensued.

REMARKS BY SENATOR BAILEY

Senator Bailey: "Mr. President, I think we are going to have the lake silted in before we pass the amendment, but I oppose the amendment and the amendment to the amendment for the reason that I think the Ways and Means Committee has talked to the experts; they have had the testimony, and as Senator Goltz says, we are acting here on the floor on things that we presume we know more about than if we listened to the facts. My recollection of the history of this was not that the city of Olympia ever said that they would take this over. My recollection of it was, and it happened since I have been in the legislature, it happened under Charlie Hodde or maybe John O'Brien, but it was an argument over whether or not the Capital Lake would become part of the capital campus as far as landscaping went and things of that sort. It was a battle between Olympia and between the state as taking it over; and as I recall the legislature assumed that to be a part of the capital campus and a part of the landscaping, and the city of Olympia may have taken some obligation of building roadways around it, I do not know that. We actually, by legislative action, decided that was a part of the capital campus and would be landscaped and paid for by the state. Now I do not think that we should at this time turn around and cut back the action of the chairman of the Ways and Means Committee because if we do, we will be acting like the House of Representatives and have a budget before us for a long time. We will not know what the devil is ever going to come out of it. The way to pass this budget is to follow what he has, debate it as long as you want, but follow what he has and at least come out of it with a budget and one that might be bought by the House as it is."

POINT OF INQUIRY

Senator Guess: "Will Senator Bailey yield? Senator Bailey, if I heard you right then, following your rationale through to the ultimate, we bring the bill out here and because the Ways and Means has worked the bill out and has superior knowledge of it, then we make one motion that the bill pass with a gag rule on."

Senator Bailey: "That would be a better way of doing it."

Senator Guess: "Now we are beginning to talk real plain, Senator. Mr. President, I move that we limit all debate to three minutes."

The motion by Senator Van Hollebeke failed and the amendment to the committee amendment was not adopted.

The motion by Senator Donohue carried and the committee amendment, as amended, was adopted.

On motion of Senator Donohue, 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.

POINT OF INQUIRY

Senator Bailey: "Will Senator Donohue yield? Senator Donohue, some of us were a little disappointed that there is nothing in the capital budget for the Fort Lawton Indian Interpretive Center. I have talked to you about this, but would you give us the reason why the committee or why you were advised not to put it in? Would you give us that reason, for the record?"

Senator Donohue: "Yes, Senator. This proposal has to be done in the operating budget. We have talked about this in Ways and Means. The main reason for this is because it is not an entity of government, it would have to be appropriated to an entity of government and then that entity would have to contract with the private organization for construction, and that is the reason it is not being proposed in this capital budget."

POINT OF INQUIRY

Senator Murray: "Would Senator Donohue yield to a question? Senator Donohue, can I interpret your answer to Senator Bailey's question as meaning that the Indian appropriation for Fort Lawton will be in the operating budget?"

Senator Donohue: "Senator, as we are progressing and trying to finalize the operating budget at the present time, it is not in. However, I understand that there are several members who have amendments in their pockets ready to approach the budget in that way."

Senator Murray: "And there will be a little room left so that the amendment could be adopted?"

Senator Donohue: "I did not say that, Senator."

Senator Murray: "That is a leading question and I did not get the right answer."

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, 39; nays, 8; excused, 2.

Voting yea: Senators Bailey, Beck, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Goltz, Gould, Grant, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Mardesich, Marsh, Matson, McDermott, Murray, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, Walgren, Wanamaker, Washington, Wilson—39.

Voting nay: Senators Benitz, Francis, Guess, Lewis (R. H. "Bob"), Morrison, Newschwander, von Reichbauer, Woody—8.

Excused: Senators Cunningham, Keefe—2.

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 Mardesich, the Senate continued consideration of the bills on the supplemental calendar in order.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 219, by Committee on Ways and Means (originally sponsored by Representatives Pardini, Charette, Curtis, Laughlin and Smith (E.P.)) (by Office of Program Planning and Fiscal Management request):

Authorizing state general obligation bonds to fund community college capital projects previously approved by the legislature.

The bill was read the second time by sections.

On motion of Senator Donohue, 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.

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, 47; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly,

Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—47.

Excused: Senators Cunningham, Keefe—2.

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

ENGROSSED SUBSTITUTE HOUSE BILL NO. 972, by Committee on Ways and Means (originally sponsored by Representatives Adams, Pardini and Hanna):
Authorizing bonds for social and health services facilities.

REPORT OF STANDING COMMITTEE

May 15, 1975.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 972, authorizing bonds for social and health services facilities (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 13, after "of" and before "dollars" on line 14, strike "thirty-four million eight hundred six thousand two hundred and sixty" and insert "seventeen million one hundred thirty-nine thousand two hundred seventy-one"

On page 2, line 32, before "bond" strike "facilities" and insert "construction"

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Wilson, Second Vice Chairman; Bailey, Clarke, Fleming, Lewis (Harry), Marsh, Matson, Murray, Newschwander, Rasmussen, Sandison, Washington.

The bill was read the second time by sections.

On motion of Senator Donohue, the committee amendment to page 1, line 13 was not adopted.

On motion of Senator Donohue, the committee amendment to page 2, line 32 was adopted.

On motion of Senator Donohue, the following amendment was adopted:

On page 1, line 13 of the engrossed bill, being the Shipoch amendment to page 1, line 13, strike "thirty-four million, eight hundred six thousand, two hundred and sixty" and insert "twenty-two million"

On motion of Senator Donohue, the rules were suspended, Engrossed Substitute House Bill No. 972, 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. 972, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 1; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—46.

Absent or not voting: Senator Lewis (Harry)—1.

Excused: Senators Cunningham, Keefe—2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 972, 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. 1050, by Representatives Kilbury, Amen and Becker:

Making emergency appropriations for grain inspections.

The bill was read the second time by sections.

On motion of Senator Donohue, the rules were suspended, Engrossed House Bill No. 1050 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. 1050 and the bill passed the Senate by the following vote: Yeas, 46; absent or not voting, 1; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—46.

Absent or not voting: Senator Matson—1.

Excused: Senators Cunningham, Keefe—2.

ENGROSSED HOUSE BILL NO. 1050, having received the 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. 1075, by Representatives Curtis and Polk:

Transferring certain state funds to the general fund.

The bill was read the second time by sections.

On motion of Senator Donohue, the rules were suspended, House Bill No. 1075 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

MOTION

On motion of Senator Mardesich, the Senate commenced consideration of Engrossed Substitute House Bill No. 1143.

President Pro Tempore Henry assumed the Chair.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1143, by Committee on Ways and Means (originally sponsored by Representative Maxie):

Authorizing issuance of bonds for certain community college projects.

REPORT OF STANDING COMMITTEE

May 15, 1975.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1143, authorizing issuance of bonds for certain community college projects (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 28 of the engrossed bill, being line 29 of the printed bill, after "projects" strike all the material down through "act" on line 29 of the engrossed bill, being line 30 of the printed bill, and insert "as determined by the legislature in its capital appropriations act, chapter . . ., Laws of 1975 (ESHB 206)".

On page 2, line 5 of the engrossed bill, being line 2 of the printed bill, after "million" and before "thousand" on line 6 of the engrossed bill, being line 3 of the printed bill, strike "four hundred and eighty-six" and insert "five hundred and ten".

On page 2, line 35 of the engrossed bill, being line 32 of the printed bill, before "proceeds" strike "All" and insert "Subject to legislative appropriation, all".

On page 4, strike all of section 11 and renumber the remaining sections accordingly.

On line 6 of the title, beginning with "making" strike all the material down through "1977" on line 8.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Wilson, Second Vice Chairman; Bailey, Clarke, Fleming, Jones, Lewis (Harry), Marsh, Matson, Murray, Newschwander, Rasmussen, Sandison, Washington.

The bill was read the second time by sections.

On motion of Senator Donohue, the committee amendments were considered and adopted simultaneously.

On motion of Senator Donohue, the committee amendment to the title was adopted.

On motion of Senator Donohue, the rules were suspended, Engrossed Substitute House Bill No. 1143, 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. 1143, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 45; absent or not voting, 2; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Francis, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—45.

Absent or not voting: Senators Goltz, Lewis (Harry)—2.

Excused: Senators Cunningham, Keefe—2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 1143, 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 Mardesich, the Senate commenced consideration of Second Substitute House Bill No. 1146.

SECOND READING

SECOND SUBSTITUTE HOUSE BILL NO. 1146, by Committee on Ways and Means (originally sponsored by Representative Maxie):

Authorizing bonds for financing of higher education facilities.

REPORT OF STANDING COMMITTEE

May 15, 1975.

SECOND SUBSTITUTE HOUSE BILL NO. 1146, authorizing bonds for financing of higher education facilities (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 17, after "of" and before "thousand" strike "eleven million six hundred fifty" and insert "twelve million four hundred"

On page 1, line 19, after "finance" and before "to" strike "said capital projects as listed in section 8 of this act" and insert "the capital projects relating to institutions of

higher education as determined by the legislature in its capital appropriations act, chapter . . . , Laws of 1975 (ESHB 206), for such purposes”

On page 3, strike all of section 8 and renumber the remaining sections consecutively.

On line 7 of the title, after “thereof;” strike all of the material down to and including “1977;” on line 9.

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Wilson, Second Vice Chairman; Bailey, Clarke, Fleming, Jones, Mardesich, Marsh, Sandison, Washington.

The bill was read the second time by sections.

On motion of Senator Donohue, the committee amendments were considered and adopted simultaneously.

On motion of Senator Donohue, the committee amendment to the title was adopted.

On motion of Senator Donohue the rules were suspended, Second Substitute House Bill No. 1146, 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. 1146, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. “Bob”), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—47.

Excused: Senators Cunningham, Keefe—2.

SECOND SUBSTITUTE HOUSE BILL NO. 1146, 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 Mardesich, the Senate commenced consideration of Substitute House Bill No. 1091.

SECOND READING

SUBSTITUTE HOUSE BILL NO. 1091, by Committee on Ways and Means (originally sponsored by Representatives Chatalas, Polk and Greengo):

Authorizing general obligation bond issue of state for University of Washington hospital facilities in lieu of university revenue bonds.

The bill was read the second time by sections.

On motion of Senator Donohue the rules were suspended, Substitute House Bill No. 1091 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. 1091, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. “Bob”), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—47.

Excused: Senators Cunningham, Keefe—2.

SUBSTITUTE HOUSE BILL NO. 1091, having received the 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

HOUSE BILL NO. 1075, by Representatives Curtis and Polk:

Transferring certain state funds to the general fund.

The President declared the question before the Senate to be the roll call on final passage of House Bill No. 1075.

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 1075, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—47.

Excused: Senators Cunningham, Keefe—2.

HOUSE BILL NO. 1075, having received the 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. 2886, by Senator Donohue:

Authorizing bond issue for construction of executive offices.

REPORT OF STANDING COMMITTEE

May 15, 1975.

SENATE BILL NO. 2886, authorizing bond issue for construction of executive offices (reported by Committee on Ways and Means):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, line 15, after "rooms", strike all material down through "officials" on line 17.

On page 1, line 21, after "of" strike all of the material down through "seventeen" on line 22, and insert "six million four hundred thousand"

Signed by: Senators Donohue, Chairman; Odegaard, Vice Chairman; Wilson, Second Vice Chairman; Bailey, Clarke, Fleming, Jones, Lewis (Harry), Marsh, Matson, Murray Newschwander, Rasmussen, Sandison, Washington.

The bill was read the second time by sections.

On motion of Senator Donohue, the committee amendments were considered and adopted simultaneously.

On motion of Senator Donohue the rules were suspended, Engrossed Senate Bill No. 2886 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. 2886, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Day, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly,

Jones, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Murray, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—47.

Excused: Senators Cunningham, Keefe—2.

ENGROSSED SENATE BILL NO. 2886, having received the 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

May 16, 1975.

ENGROSSED HOUSE BILL NO. 154, revising regulations on charitable solicitation (reported by Judiciary Committee):

MAJORITY recommendation: Do pass as amended.

Signed by: Senators Francis, Chairman; Clarke, Fleming, Jones, Van Hollebeke, Woody.

Passed to Committee on Rules for second reading.

May 15, 1975.

HOUSE JOINT MEMORIAL NO. 24, requesting that the apple blossom be designated the national flower (reported by Committee on Agriculture):

Recommendation: Do pass.

Signed by: Senators, Jolly, Chairman; Benitz, Day, Sellar, Wilson.

Passed to Committee on Rules for second reading.

INTRODUCTION AND FIRST READING

SECOND SUBSTITUTE HOUSE BILL NO. 93, by Committee on Local Government (originally sponsored by Representatives Haüssler, Kalich and Paris):

Requiring uniform jail standards.

Referred to Committee on Local Government.

ENGROSSED HOUSE BILL NO. 624, by Representatives Randall, Pardini and Kilbury:

Defining "regular property tax levies" for port district purposes.

Referred to Committee on Ways and Means.

ENGROSSED HOUSE BILL NO. 840, by Representative Randall:

Relating to revenue and taxation.

Referred to Committee on Ways and Means.

SUBSTITUTE HOUSE BILL NO. 915, by Committee on Social and Health Services (originally sponsored by Representatives Adams, Becker, Bagnariol and Parker):

Relating to social service planning, funding and delivery.

Referred to Committee on Social and Health Services.

SUBSTITUTE HOUSE BILL NO. 932, by Committee on Commerce (originally sponsored by Representatives Fortson and Berentson):

Providing assistance for commercial fishermen from impact of a recent court decision.

Referred to Committee on Natural Resources.

ENGROSSED HOUSE BILL NO. 1026, by Representatives Sommers, Ehlers and Hendricks:

Allowing preference in public employment for spouses of honorably discharged totally disabled veterans.

Referred to Committee on State Government.

ENGROSSED HOUSE BILL NO. 1037, by Representatives Bagnariol, Pardini, Erickson, Sommers and Randall:

Imposing a special tax on coin-operated gambling devices.

Referred to Committee on Ways and Means.

HOUSE BILL NO. 1051, by Representatives Martinis, Jastad and Schumaker:

Permitting investments of certain state game funds.

Referred to Committee on Natural Resources.

HOUSE BILL NO. 1077, by Representatives Martinis, Conner and Haussler:

Relating to the state building code.

Referred to Committee on Local Government.

SENATE CONCURRENT RESOLUTION NO. 113, by Senators Lewis (Harry), Matson, Scott and Murray:

Prescribing cut-off dates for the consideration of legislative measures.

MOTION

On motion of Senator Mardesich, Senate Concurrent Resolution No. 113 was referred to the Committee on Rules.

SENATE CONCURRENT RESOLUTION NO. 114, by Senators Lewis (Harry), Mardesich, Matson and Bailey:

Prescribing cut-off dates for consideration of legislative measures.

MOTIONS

On motion of Senator Mardesich, Senate Concurrent Resolution No. 114 was advanced to second reading and read the second time in full.

On motion of Senator Mardesich, Senate Concurrent Resolution No. 114 was advanced to third reading, the second reading considered the third, and the resolution was adopted.

MOTIONS

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

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

SENATE RESOLUTION 1975-46

By Senators von Reichbauer, Goltz, Rasmussen, Ridder and Odegaard:

WHEREAS, The berry-growing industry in the State of Washington and the Pacific Northwest is seriously threatened by Federal legislation which prohibits children under twelve years of age from picking berries during the summer; and

WHEREAS, It is essential to the welfare of the people of the State of Washington and the Pacific Northwest that this industry, which in the State of Washington alone has a farm-income value of almost fifteen million dollars a year, be preserved; and

WHEREAS, Parents may find it economically unfeasible to pick berries if they cannot bring their children into the fields to pick berries with them as a family group; and

WHEREAS, Vacation-time berry picking by children under the age of twelve has been a traditional part of growing up in the Northwest and has never been considered exploitive child labor; and

WHEREAS, Berry picking has traditionally provided youngsters with a healthy work experience as well as a way to earn extra money; and

WHEREAS, Numerous jobs in berry-packing plants in this state and the Northwest will be seriously threatened unless children under twelve are allowed to pick berries; and

WHEREAS, The Education and Labor Committee of the United States House of Representatives on April 30, 1975, defeated HR 632, sponsored by Representative Lloyd Meeds, which would have permitted children under twelve years of age to pick berries during the summer, and contained safeguards to protect their health;

NOW, THEREFORE, BE IT RESOLVED, By the Senate of the State of Washington, That the members of the Education and Labor Committee of the United States House of Representatives are requested to reconsider and approve HR 632; and

BE IT FURTHER RESOLVED, That the Secretary of the Senate shall transmit copies of this resolution to the chairman and each member of the Education and Labor Committee of the United States House of Representatives and to each member of Congress from the State of Washington.

MOTIONS

On motion of Senator Mardesich, the following Senate Resolutions were referred to the Committee on Rules: 47, Air transportation, radioactive material, study; 48, interagency outdoor recreation, study; 49, San Juan Islands recreation, study; 50, state parks, reservation and information, study; 51, youth camp standards, study; 52, park acquisition, study.

On motion of Senator Mardesich, the Senate commenced consideration of Senate Resolution 1975-54.

Senator Lewis (Harry) moved adoption of the following resolution:

SENATE RESOLUTION 1975-54

By Senators Lewis (Harry), Matson, Buffington, Morrison, Wanamaker, Murray, von Reichbauer, Donohue, Jolly, Day, Rasmussen, Francis, Beck, Woody, Marsh, Bot-tiger, Herr, Odegaard, Henry, Mardesich, Lewis (R. H. "Bob"), Clarke, Sellar, Jones, Sandison, Newschwander, Talley, Gould, Bluechel and Knoblauch:

WHEREAS, The recent seizure by the military forces of Cambodia of the merchant ship Mayaguez was an act of piracy committed in violation of the ancient law of nations and of the sea; and

WHEREAS, The unlawful seizure of the Mayaguez was a grave threat to the historic freedom of the use of the seas and a grave threat to peace requiring decisive action; and

WHEREAS, President Gerald Ford demonstrated the highest qualities of leadership in directing the military forces of the United States of America to secure the release of the Mayaguez by force of arms; and

WHEREAS, Those military personnel who took part in the operations which secured the release of the Mayaguez showed the courage and ability which our military forces have consistently brought to the duties imposed by their country;

NOW, THEREFORE, BE IT RESOLVED, That the Senate of the state of Wash-ington commend the Honorable Gerald R. Ford, President of the United States of America, for his leadership during the recent crisis involving the merchant ship Maya-guez; and

BE IT FURTHER RESOLVED, That each and every member of the armed forces taking part in the operation which secured the release of the Mayaguez be commended for their demonstrated ability and courage; and

BE IT FURTHER RESOLVED, That a copy of this resolution be transmitted by the secretary of the Senate to the Honorable Gerald R. Ford, President of the United States of America, Commander-in-Chief.

On motion of Senator Guess, the following amendment was adopted:

After line 20 and before the last paragraph, insert a new paragraph as follows:

"BE IT FURTHER RESOLVED, That the members of the Senate do hereby ex-

tend their sympathy to the families of the members of the U. S. Marine Corps who lost their lives in the operation which secured the release of the Mayaguez.”

The motion of Senator Lewis (Harry) carried and the resolution, as amended, was adopted.

MOTION

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

SENATE RESOLUTION 1975-55

By Senators Walgren, Rasmussen, Bottiger, Knoblauch, Beck, Odegaard, Sandison, North, Buffington and Wanamaker:

WHEREAS, May 17, 1975, is the anniversary of Norwegian Constitution (GRUNNLOV) Day and will be celebrated as such by tens of thousands of our residents of Norwegian descent; and

WHEREAS, The year 1975 is the Sesquicentennial of organized Norwegian immigration to the United States; and

WHEREAS, On July 4, 1825, the Restauration sailed from Stavanger, Norway and arrived in New York on Leif Erickson day, October 9, 1825; and

WHEREAS, His Majesty, King Olav V of Norway will commemorate the landing of Norwegian immigrants by arriving in New York on October 9th and following the “Sloopers” (as Norwegian immigrants were known) immigration route westward through Chicago with arrival in Seattle on October 18th; and

WHEREAS, The first known Norwegian settler in the Puget Sound area was Martin Toftezon who settled on Whidbey Island in 1849; and

WHEREAS, Martin and the millions of other persons of Norwegian ancestry have contributed immeasurably to both our country and our state;

NOW, THEREFORE, BE IT RESOLVED, By the Senate, That His Majesty, King Olav V, representative of the Norwegian people, be accorded a most gracious and heartfelt welcome upon his arrival in Seattle;

BE IT FURTHER RESOLVED, That the Norwegian American Anniversary Commission be commended on its efforts to commemorate the Sesquicentennial of Norwegian immigration to America and all citizens of this state are hereby requested to cooperate with such commission to insure the success of the commemoration.

BE IT FURTHER RESOLVED, That the Secretary of the Senate transmit a suitably inscribed copy of this resolution to His Majesty, King Olav V of Norway.

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

MESSAGE FROM THE GOVERNOR

Office of the Governor, May 16, 1975

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

LADIES AND GENTLEMEN:

I have the honor to advise that on May 16, 1975, Governor Evans approved the following Senate Bills, entitled:

SENATE BILL NO. 2242: Changing membership of Columbia River Gorge Commission, defining its duties, and describing area of the commission's jurisdiction.

SENATE BILL NO. 2297: Increasing the number of Whatcom county superior court judges to three.

SENATE BILL NO. 2513: Authorizing completion of migrant housing demonstration project in Yakima county.

SENATE BILL NO. 2690: Authorizing three-quart milk containers.

Sincerely,
CHI-DOOH LI
Legal Counsel.

MOTION

At 3:42 p.m., on motion of Senator Mardesich, the Senate adjourned until 10:00 a.m., Monday, May 19, 1975.

JOHN A. CHERBERG, President of the Senate.

SIDNEY R. SNYDER, Secretary of the Senate.

SIXTY-SEVENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Monday, May 19, 1975.

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 Grant, Fleming, Talley, Day, Van Hollebeke, Murray, Newschwander and North. On motion of Senator Knoblauch, Senators Grant, Fleming, Talley, Day and Van Hollebeke were excused. On motion of Senator Lewis (R. H. "Bob"), Senators Murray, Newschwander and North were excused.

The Color Guard, consisting of Pages Janet Nix and Kevin Daily, presented the Colors. Father William Treacy, pastor of St. Michael's Church of Olympia, offered the following prayer:

"AS WE COME TOWARD THE END OF THIS SESSION OF THE LEGISLATURE WE PRAY TO YOU ALMIGHTY GOD FOR THE MEMBERS OF THE SENATE. THEY HAVE LABORED HERE SINCE JANUARY. AT A TIME WHEN THE DEMOCRATIC PROCESS IS THREATENED IN THE WORLD, HELP THEM TO REALIZE THEIR RESPONSIBILITY TO BE REPRESENTATIVES OF A FREE GOVERNMENT WHO TAKE THE INTEREST OF THE PEOPLE TO HEART.

"SEND THY HOLY SPIRIT UPON THEM IN COMMITTEE MEETINGS AS WELL AS IN THE LEGISLATIVE ASSEMBLY SO THAT THEY MAY HAVE THE STRENGTH TO FINISH AND THE GUIDANCE THEY NEED. HELP US TO REALIZE AND RESPECT WHAT A GREAT PROPHET OF OUR TIME SOLZHENITSYN CALLS CIVIL VALOR, THE DEVOTION OF PUBLIC SERVANTS TO THE PEOPLE IN TIME OF PEACE. FOR THIS WE PRAY. AMEN."

MOTION

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

MESSAGES FROM THE HOUSE

May 16, 1975.

Mr. President: The House has concurred in the Senate amendments to EN-

GROSSED SUBSTITUTE HOUSE BILL NO. 308 and has passed the bill as amended by the Senate.

DONALD R. WILSON, Assistant Chief Clerk.

May 16, 1975.

Mr. President: The House has concurred in the Senate amendments to HOUSE BILL NO. 307 and has passed the bill as amended by the Senate.

DONALD R. WILSON, Assistant Chief Clerk.

May 16, 1975.

Mr. President: The Speaker has signed:

HOUSE BILL NO. 307,

SUBSTITUTE HOUSE BILL NO. 308, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

May 16, 1975.

Mr. President: The Speaker has signed:

HOUSE BILL NO. 338,

HOUSE BILL NO. 339,

HOUSE BILL NO. 750,

HOUSE BILL NO. 760,

HOUSE JOINT MEMORIAL NO. 15,

HOUSE JOINT MEMORIAL NO. 16,

HOUSE JOINT MEMORIAL NO. 17,

HOUSE JOINT MEMORIAL NO. 18, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

May 16, 1975.

Mr. President: The House has passed:

ENGROSSED SENATE BILL NO. 2077,

SUBSTITUTE SENATE BILL NO. 2249,

ENGROSSED SUBSTITUTE SENATE BILL NO. 2322,

ENGROSSED SENATE BILL NO. 2411,

ENGROSSED SENATE BILL NO. 2434,

SENATE BILL NO. 2454,

ENGROSSED SENATE BILL NO. 2467,

ENGROSSED SUBSTITUTE SENATE BILL NO. 2480,

ENGROSSED SENATE BILL NO. 2509,

SENATE BILL NO. 2945, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

May 16, 1975.

Mr. President: The House has passed:

ENGROSSED SUBSTITUTE HOUSE BILL NO. 496,

SUBSTITUTE HOUSE BILL NO. 656, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

May 13, 1975.

Mr. President: The House has passed SECOND SUBSTITUTE SENATE BILL NO. 2241 with the following amendments:

On page 1, line 9, strike "eight hundred" and insert "[eight hundred] *one thousand*"

On page 3, beginning on line 13, after "or" strike everything down to and including "*lesser*" on line 14 and insert "*a sum equal to twenty-four monthly payments, whichever is the greater*"

On page 3, beginning on line 27, after "or" strike everything down to and including "lesser" on line 28 and insert "a sum equal to twenty-four monthly payments, whichever is the greater"

On page 3, line 30, after "death" insert ", annulment,"

On page 3, line 31, after "decree" insert "of annulment"

On page 4, line 27, strike "twenty-two" and insert "twenty-three", and the same is herewith transmitted.

DONALD R. WILSON, Assistant Chief Clerk.

MOTION

On motion of Senator Ridder, the Senate concurred in the House amendments to Second Substitute Senate Bill No. 2241 to page 1, line 9; page 3, lines 30 and 31; and page 4, line 27 and refused to concur in the House amendments to page 3, beginning on line 13 and line 27 and asks the House to recede therefrom.

SIGNED BY THE PRESIDENT

The President signed:

HOUSE BILL NO. 307,
 SUBSTITUTE HOUSE BILL NO. 308,
 HOUSE BILL NO. 338,
 HOUSE BILL NO. 339,
 HOUSE BILL NO. 750,
 HOUSE BILL NO. 760,
 HOUSE JOINT MEMORIAL NO. 15,
 HOUSE JOINT MEMORIAL NO. 16,
 HOUSE JOINT MEMORIAL NO. 17,
 HOUSE JOINT MEMORIAL NO. 18.

MESSAGE FROM THE HOUSE

May 16, 1975.

Mr. President: The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 2715 with the following amendments:

On page 1, beginning on line 1 of the title, after "budgets;" strike all material down to and including "28A.65.010" on line 4, and insert "amending section 28A.65.070, chapter 223, Laws of 1969 ex. sess. and RCW 28A.65.070"

On page 1, strike all of section 1, and insert the following:

"Section 1. Section 28A.65.070, chapter 223, Laws of 1969 ex. sess. and RCW 28A.65.070 are each amended to read as follows:

The board of directors shall immediately after the compilation of said preliminary budget publish a notice stating that the board of directors has completed the preliminary budget and placed the same on file with the school district superintendent, that a copy thereof will be furnished any taxpayer who will call upon the superintendent for it, and that the board of directors will meet for the purpose of fixing and adopting the preliminary budget of the district for the ensuing fiscal year. Such notice shall designate the date, time, and place of said meeting which shall occur on or before the first day of June: *PROVIDED, That if the state legislature has not appropriated by the tenth of May moneys under RCW 28A.41.050 needed for the support of the common schools, said meetings for districts of the first class shall occur on or before the fifteenth of June.* The notice shall also state that any taxpayer may appear thereat and be heard for or against any part of such budget. Said notice shall be published once each week for two consecutive weeks immediately following the compilation of the preliminary budget in a newspaper of general circulation in the district, or, if there be none, in a newspaper of general circulation in the county. The board of directors shall provide a sufficient number of copies

of the preliminary budget to meet the reasonable demands of the taxpayers therefor, and the same shall be made available for distribution not later than two weeks immediately preceding the date set for the public hearing.", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

Senator Gould moved the Senate concur in the House amendments to Engrossed Substitute Senate Bill No. 2715.

POINT OF INQUIRY

Senator Woody: "Would Senator Gould yield? In your conversations with the House or in examining the message from the House pertaining to Senate Bill 2715, do you see anything that would make the language in the House amendment applicable to this year?"

Senator Gould: "There is a section 2 which is an emergency clause, but that was not in the amendment. That is in the bill."

Senator Woody: "I understand that but the language in the message from the House indicates that if the state legislature has not appropriated by the tenth of May, which has come and gone, 'said meetings for the districts of the first class shall occur on or before the fifteenth of June.' Since there is nothing here to indicate that this would have a retroactive effect and this does not deal with a procedural matter, it would be my estimation that this would not apply this year but only for next year."

Senator Gould: "I would have to concur with whatever your legal opinion is. It is my understanding that this allows us to change that June 1 date which still is coming. The June 1 date is now the date for preliminary budget hearings and adoption of the preliminary budget and this gives us two more weeks in which to do it before going onto the fiscal year."

POINT OF INQUIRY

Senator Woody: "Would Senator Mardesich yield? Have you had an opportunity to look at the message from the House on Senate Bill 2715 which sets to June 15 the date for a meeting as to its budget? It would indicate to me—I hate to catch you flat-footed but I am catching everybody flat-footed, I suppose by this question—that is, whether it has a retroactive effect. It says that if the state legislature has not appropriated by the tenth of May moneys under RCW 28 needed for the support of the common schools, said meetings for districts of the first class shall occur on or before the fifteenth of June. Now it is my understanding that it is intended that this language would permit school districts of the first class to be able to do that this year and yet it does not indicate that it has a retroactive effect, and May 10 has come and gone."

(No reply by Senator Mardesich.)

Senator Clarke: "Mr. President, responding to Senator Woody's comments, it would seem to me that the May 10 date is not the determinative date. In other words, while that date has already gone, we are enacting a provision which changes the date of the necessity for the first meeting, which will be the first of June except that if the legislature has not appropriated by the tenth of May it will be the fifteenth of June. Now the legislature can take cognizance of the fact that we have not acted by the tenth of May this year and therefore, while that date is a past date, it does not make the bill a retroactive bill where we are talking about June 1 or June 15 which are dates in the future, so in my opinion the May 10 date is not a determinative date on the question of whether it is or is not retroactive."

POINT OF INQUIRY

Senator Odegaard: "Would Senator Gould yield to another question? Senator Gould, I notice in the House language they have districts of the first class. Didn't our bill include second class also?"

Senator Gould: "Yes, Senator Odegaard, it did, but in finding that second class dis-

tricts now have to go through a different procedure in going to the intermediate school districts the Superintendent of Public Instruction's office suggested that they would prefer—they have a bill, 752 I believe it is, which will pertain to second and third class districts, will give them the flexibility that they need but they felt that this would be restrictive to second and third class districts so I said, let us at least allow it for first class districts."

Senator Odegaard: "Where is House Bill 752 at this time?"

Senator Gould: "It is, I think, in our Rules. It has passed the House and I know it has gone out of Education Committee. It has passed out of Education Committee so it is in Senate Rules."

Senator Odegaard: "And that bill would correct for the same problem?"

Senator Gould: "That would correct it for second and third class, yes."

Senator Odegaard: "Okay."

POINT OF INQUIRY

Senator Gould: "I would ask Senator Francis if he would yield to a question because I would like clarified as to whether or not the May 10 deadline would make it ineffective for this year or not."

Senator Francis: "Senator Gould, I see this as procedural rather than substantive and I think that it is quite clear that the intent of the legislature is that we are trying to establish a procedure for determining the school budgets, including the dates by which they must come up with a budget and in that connection I would think that the tenth of May is also clearly a procedural matter to make a determination. As such, I see no problem with applying it to this year, even though the tenth of May of this year has already passed."

POINT OF INQUIRY

Senator Wilson: "Would Senator Gould yield? I share Senator Odegaard's concern with respect to the second class districts. I think it would be eminently undesirable if this session were to address the sort of relief this bill contemplates with respect to the larger districts and not achieve the same thing with respect to the smaller districts. Since we are in the waning stages of the session, hopefully, my question is whether we would have a greater degree of certainty in providing this form of relief to districts of all sizes were we not to concur in the House amendment here and seek to provide for all districts, or whether you feel that could be achieved with equal certainty by using this vehicle regarding the first class districts and the other bill you mentioned regarding the smaller districts?"

Senator Gould: "In my conversations with the Superintendent of Public Instruction and with some school districts, it was our feeling that this bill should relate only to first class districts because second and third class districts do have different procedures for their budgets and that we would make all our efforts towards passage of House Bill 752, which indeed would make the necessary provisions for the flexibility needed by the second and third class districts, and I will be glad to help you with that."

The motion by Senator Gould carried and the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 2715.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 2715, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 39; absent or not voting, 3; excused, 7.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Buffington, Clarke, Cunningham, Donohue, Francis, Goltz, Gould, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Odegaard, Peterson, Pullen, Ridder, Sandison, Scott, Stortini, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—39.

Absent or not voting: Senators Bottiger, Rasmussen, Sellar—3.

Excused: Senators Day, Fleming, Grant, Murray, Newschwander, North, Talley—7.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2715, 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.

MESSAGE FROM THE HOUSE

May 16, 1975.

Mr. President: The House has passed SECOND SUBSTITUTE SENATE BILL NO. 2258 with the following amendments:

On page 1, line 4 of the title after "28A.03 RCW;" strike "and" and on line 5, after "section" insert "; and declaring an emergency"

On page 1, line 21, after "shall" strike "immediately"

On page 2, add a new section following section 4, as follows:

"*NEW SECTION.* Sec. 5. 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.", and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

On motion of Senator Stortini, the Senate concurred in the House amendments to Second Substitute Senate Bill No. 2258.

ROLL CALL

The Secretary called the roll on the final passage of Second Substitute Senate Bill No. 2258, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 39; absent or not voting, 3; excused, 7.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Buffington, Clarke, Cunningham, Donohue, Francis, Goltz, Gould, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Odegaard, Peterson, Pullen, Ridder, Sandison, Scott, Stortini, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—39.

Absent or not voting: Senators Bottiger, Rasmussen, Sellar—3.

Excused: Senators Day, Fleming, Grant, Murray, Newschwander, North, Talley—7.

SECOND SUBSTITUTE SENATE BILL NO. 2258, 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.

INTRODUCTION AND FIRST READING

ENGROSSED HOUSE BILL NO. 436, by Representatives Bausch, Parker, and Curtis (by Department of Employment Security request):

Prescribing changes in unemployment compensation laws.

Referred to Committee on Labor.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 496, by Judiciary Committee (originally sponsored by Representatives Knowles, Seeberger, Gaspard, Newhouse and Hanna) (by Executive request):

Enacting the Juvenile Justice Act of 1975.

Referred to Judiciary Committee.

SUBSTITUTE HOUSE BILL NO. 656, by Committee on State Government

(originally sponsored by Representatives O'Brien, Williams, Polk, Charnley, Paris, Sommers, Ceccarelli and North) (by Executive request):

Authorizing a task force on cultural resources.
Referred to Committee on State Government.

SUBSTITUTE HOUSE BILL NO. 867, by Committee on Ways and Means (originally sponsored by Representatives Bagnariol and Shinpoch):

Appropriating funds for the Washington future program.
Referred to Committee on Ways and Means.

SUBSTITUTE HOUSE BILL NO. 890, by Committee on Ways and Means (originally sponsored by Representative Bauer):

Providing emergency funding for school districts.
Referred to Committee on Ways and Means.

MOTION

At 10:37 a.m., on motion of Senator Mardesich, the Senate recessed until 11:55 a.m.

SECOND MORNING SESSION

The President called the Senate to order at 11:55 a.m.
There being no objection, the Senate returned to the first order of business.

REPORTS OF STANDING COMMITTEES

May 16, 1975.

SUBSTITUTE HOUSE BILL NO. 932, providing assistance for commercial fishermen from impact of a recent court decision (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass.

Signed by: Senators Peterson, Chairman; Beck, Bluechel, Lewis (Harry), Pullen, Sandison.

Passed to Committee on Rules for second reading.

May 16, 1975.

HOUSE BILL NO. 1051, permitting investments of certain state game funds (reported by Committee on Natural Resources):

MAJORITY recommendation: Do pass.

Signed by: Senators Peterson, Chairman; Beck, Bluechel, Lewis (Harry), Pullen, Sandison.

Passed to Committee on Rules for second reading.

SIGNED BY THE PRESIDENT

The President signed:

SUBSTITUTE SENATE BILL NO. 2715.

SECOND READING

ENGROSSED HOUSE BILL NO. 423, by Representatives Laughlin, Bagnariol, Flanagan, Schumaker, Fortson and O'Brien:

Requiring that notice of a correction made to assessment of property be mailed by the assessor to the taxpayer by certified rather than registered mail.

The Senate resumed consideration of Engrossed House Bill No. 423 which was held on Thursday, May 15, 1975 on second reading by Senator Rasmussen.

Senator Woody moved adoption of the following amendment by Senator Bottiger:

On page 2, line 14 of the printed bill, being line 15 of the engrossed bill, after "taxpayer" and before "that" insert ", and the person making payments if that person is to be notified pursuant to 84.40.045 RCW, 84.40.045 as now existing or hereafter amended,"

On motion of Senator Woody, the following amendment to the amendment by Senator Bottiger was adopted:

After "pursuant to" in the Bottiger amendment, strike "84.40.045" and after "RCW" strike "," and after the second "84.40.045" insert ","

The motion by Senator Woody carried and the amendment by Senator Bottiger, as amended, was adopted.

On motion of Senator Woody the rules were suspended, Engrossed House Bill No. 423, 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. 423, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 40; absent or not voting, 4; excused, 5.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Buffington, Clarke, Cunningham, Donohue, Francis, Gould, Grant, Guess, Henry, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, Walgren, Wanamaker, Washington, Wilson, Woody—40.

Absent or not voting: Senators Bottiger, Goltz, Herr, von Reichbauer—4.

Excused: Senators Day, Fleming, Murray, Newschwander, North—5.

ENGROSSED HOUSE BILL NO. 423, 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. 464, by Representatives Conner, Hansey and Savage:

Authorizing the aeronautics commission to provide assistance to certain Indian tribes.

REPORT OF STANDING COMMITTEE

May 6, 1975.

ENGROSSED HOUSE BILL NO. 464, authorizing the aeronautics commission to provide assistance to certain Indian tribes (reported by Committee on Transportation and Utilities):

MAJORITY recommendation: Do pass with the following amendment:

On page 2, line 29 of the engrossed and printed bills, after "available" insert ". PROVIDED, That any landing fee or charge imposed by any municipality or municipalities or Indian tribe or tribes for the privilege of use of an airport facility planned, acquired, constructed, improved, maintained, or operated with financial assistance from the commission pursuant to this section, shall be approved by the commission: PROVIDED FURTHER, That in the event any municipality or municipalities or Indian tribe or tribes, or any distributor of aircraft fuel as defined by RCW 82.42.020 which operates in any airport facility which has received financial assistance pursuant to this section, fails to collect the aircraft fuel excise tax as specified in chapter 82.42 RCW, all funds or value of technical assistance given or paid to such municipality or municipalities or Indian tribe or tribes under the provisions of this section shall revert to the commission, and shall be due and payable to the commission immediately"

Signed by: Senators Henry, Vice Chairman; Beck, Benitz, Bluechel, Bottiger, Guess, Jolly, Knoblauch, Lewis (R. H. "Bob"), Morrison, Wanamaker.

The bill was read the second time by sections.

Senator Walgren moved adoption of the committee amendment.

POINT OF INQUIRY

Senator Wilson: "Would Senator Walgren yield please? I have a couple of questions on the amendment. The first is, must the commission now approve municipal or landing fees at municipal airports as opposed to tribal airports where state funds have been involved in the project?"

Senator Walgren: "The practice is for the commission to approve any funds that are granted, of course, to municipalities and things of this nature, but as far as a tax that is authorized by the state law, the commission does not have to."

Senator Wilson: "I guess my question is that the first part of this amendment says 'any landing fee or charges imposed by any municipality or tribe must be approved by the commission.' Does the commission presently approve landing fees with respect to municipal airports?"

Senator Walgren: "I am not sure whether they do at the present time, Senator Wilson. I think that the commission does have the authority as far as any grants of either federal or state funds to impose reasonable restrictions, however."

Senator Wilson: "I just wondered if this amendment were going way beyond the area of addressing the subject of airport facilities developed by Indian tribes into the area of municipal airports and giving the commission a new blanket authority, in effect, to regulate the landing charges imposed by municipal airports."

Senator Walgren: "I think that is a very appropriate question, Senator Wilson, and I would suggest we put the bill down maybe three spots."

MOTION

On motion of Senator Walgren, House Bill No. 464, together with the pending committee amendment, was ordered held on the second reading calendar following consideration of Engrossed House Bill No. 530.

MOTION

On motion of Senator Walgren, House Bill No. 468 was ordered to hold its place on the second reading calendar for Tuesday, May 20, 1975.

SECOND READING

HOUSE BILL NO. 491, by Representatives Warnke, Bausch and Gilleland:
Prescribing a change in retained percentage procedures on public works contracts.

REPORT OF STANDING COMMITTEE

May 8, 1975.

HOUSE BILL NO. 491, prescribing a change in retained percentage procedures on public works contracts (reported by Committee on Commerce):

MAJORITY recommendation: Do pass with the following amendments:

On page 1, after the enacting clause, add a new section as follows:

"Section 1. Section 1, chapter 166, Laws of 1921 as last amended by section 1, chapter 38, Laws of 1970 ex. sess. and RCW 60.28.010 are each amended to read as follows:

(1) Contracts for public improvements or work, other than for professional services, by the state, or any county, city, town, district, board, or other public body, herein referred to as "public body", shall provide, and there shall be reserved by the public body from the moneys earned by the contractor on estimates during the progress of the improvement or work, a sum equal to ten percent of the first one hundred thousand dol-

lars and five percent for all amounts over one hundred thousand dollars of such estimates, said sum to be retained by the state, county, city, town, district, board, or other public body, as a trust fund for the protection and payment of any person or persons, mechanic, subcontractor or materialman who shall perform any labor upon such contract or the doing of said work, and all persons who shall supply such person or persons or subcontractors with provisions and supplies for the carrying on of such work, and the state with respect to taxes imposed pursuant to Title 82 RCW which may be due from such contractor. Every person performing labor or furnishing supplies toward the completion of said improvement or work shall have a lien upon said moneys so reserved: PROVIDED, That such notice of the lien of such claimant shall be given in the manner and within the time provided in RCW 39.08.030 through 39.08.060 as now existing and in accordance with any amendments that may hereafter be made thereto: PROVIDED FURTHER, That the board, council, commission, trustees, officer or body acting for the state, county or municipality or other public body, at any time after fifty percent of the original contract work has been completed, if it finds that satisfactory progress is being made, may make any of the partial payments subsequently made in full; but in no event shall the amount to be retained be reduced to less than five percent of the amount of the entire contract.

(2) The moneys reserved under the provisions of subsection (1) of this section, at the option of the contractor, shall be:

(a) Retained in a fund by the public body until thirty days following the final acceptance of said improvement or work as completed; or

(b) Deposited by the public body in an interest bearing account in a bank, mutual savings bank, or savings and loan association, not subject to withdrawal until after the final acceptance of said improvement or work as completed, or until agreed to by both parties; PROVIDED, That interest on such account shall be paid to the contractor;

(c) Placed in escrow with a bank or trust company by the public body until thirty days following the final acceptance of said improvement or work as completed.

When the moneys reserved are to be placed in escrow, the public body shall issue a check representing the sum of the moneys reserved payable to the bank or trust company and the contractor jointly. Such check shall be converted into bonds and securities chosen by the contractor and approved by the public body and such bonds and securities shall be held in escrow. Interest on such bonds and securities shall be paid to the contractor as the said interest accrues.

(3) If the public body administering a contract, other than contract governed by the provisions of RCW 60.28.070, as amended, after a substantial portion of the work has been completed, finds that an unreasonable delay will occur in the completion of the remaining portion of the contract for any reason not the result of a breach thereof, it may, if the contractor agrees, delete from the contract the remaining work and accept as final the improvement at the stage of completion then attained and make payment in proportion to the amount of the work accomplished and in such case any amounts retained and accumulated under this section shall be held for a period of thirty days following such acceptance. In the event that the work shall have been terminated before final completion as provided in this section, the public body may thereafter enter into a new contract with the same contractor to perform the remaining work or improvement for an amount equal to or less than the cost of the remaining work as was provided for in the original contract without advertisement or bid. The provisions of this chapter 60.28 RCW shall be deemed exclusive and shall supersede all provisions and regulations in conflict herewith."

Renumber the remaining sections consecutively.

On page 1, section 1 of the printed bill, line 25, after "Fund," and before "or", insert "*in an interest bearing account,*"

On page 1, section 1 of the printed bill, line 26, before "*in escrow,*" strike "*retain*"

On line 1 of the title, after "contracts;" and before "and", insert "amending section 1, chapter 166, Laws of 1921 as last amended by section 1, chapter 38, Laws of 1970 ex. sess. and RCW 60.28.010;"

Signed by: Senators Van Hollebeke, Chairman; Peterson, Ridder.

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 committee amendment to the title was adopted.

On motion of Senator Van Hollebeke the rules were suspended, House Bill No. 491, 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. 491, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Donohue, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—44.

Excused: Senators Day, Fleming, Murray, Newschwander, North—5.

HOUSE BILL NO. 491, 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. 530, by Representatives Haussler and Kilbury:
Amending laws relating to irrigation districts.

REPORT OF STANDING COMMITTEE

April 10, 1975.

ENGROSSED HOUSE BILL NO. 530, amending laws relating to irrigation districts (reported by Committee on Agriculture):

Recommendation: Do pass with the following amendment:

On page 2, line 15, after "*RCW 43.03.050*" strike all of the material down to the period on line 18 and insert "*and 43.03.060 as now existing or hereafter amended*"

Signed by: Senators Jolly, Chairman; Benitz, Day, Sellar, Wilson.

The bill was read the second time by sections.

On motion of Senator Jolly, the committee amendment was adopted.

On motion of Senator Jolly the rules were suspended, Engrossed House Bill No. 530, 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. 530, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; excused, 5.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Donohue, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—44.

Excused: Senators Day, Fleming, Murray, Newschwander, North—5.

ENGROSSED HOUSE BILL NO. 530, 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 Wilson, House Bill No. 464, together with the pending committee amendment, was made a special order of business immediately following noon recess today.

On motion of Senator Mardesich, Engrossed House Bill No. 619 was ordered placed on today's second reading calendar following consideration of Engrossed Substitute House Bill No. 86.

On motion of Senator Mardesich, Substitute House Bill No. 693 on third reading, was ordered placed at the end of today's calendar. On motion of Senator Lewis (R. H. "Bob"), Senator Matson was excused.

SECOND READING

HOUSE BILL NO. 806, by Representatives Randall and Gaines:

Prescribing a change in assessing inspection fees for winter sports activity conveyances.

The bill was read the second time by sections.

On motion of Senator Woody, the rules were suspended, House Bill No. 806 was advanced to third reading, the second reading considered the third, and the bill was placed on final passage.

POINT OF INQUIRY

Senator Francis: "Will Senator Woody yield? Senator Woody, what I do not know from this change, is it likely that it is going to raise or reduce the cost per inspection on these ski lift inspections?"

Senator Woody: "In those situations in which the inspection can take place in one day, which is the normal situation, it will not increase them. In those situations in which the equipment is not ready for inspection, I would submit that it will increase the total cost."

Senator Francis: "I am wondering, in those situations where they inspect now just on the one time thing, is the fee fixed by statute now? I have not had a chance to look at it. In other words, is it a standard fixed fee in which case it is very possible that having to detail the actual costs will lower the cost paid by the ski lift operator?"

Senator Woody: "The prior language which is being stricken says that the fee cannot be in excess of ten dollars per hour. I would suspect that as inflation keeps going over a period of the next few years that the actual cost of the commission will probably exceed ten dollars per hour."

Senator Francis: "Let me ask you this. Are they now paying a fixed fee of two hundred and fifty dollars per inspection or anything like that, or are they paying simply a maximum of that?"

Senator Woody: "They are now paying ten dollars per hour with a maximum of two hundred and fifty dollars."

ROLL CALL

The Secretary called the roll on the final passage of House Bill No. 806, and the bill passed the Senate by the following vote: Yeas, 43; excused, 6.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Donohue, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Morrison, Odegard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—43.

Excused: Senators Day, Fleming, Matson, Murray, Newschwander, North—6.

HOUSE BILL NO. 806, having received the 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 Mardesich, Engrossed Substitute House Bill No. 184 was ordered placed on today's second reading calendar following Engrossed House Bill No. 619.

On motion of Senator Mardesich, Engrossed Substitute House Bill No. 40 was ordered to hold its place on the second reading calendar for Tuesday, May 20, 1975.

At 12:30 p.m., on motion of Senator Mardesich, the Senate recessed until 2:00 p.m.

AFTERNOON SESSION

The President called the Senate to order at 2:00 p.m.

The President declared the Senate to be at ease.

The President called the Senate to order at 2:15 p.m.

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

MESSAGES FROM THE HOUSE

May 19, 1975.

Mr. President: The Speaker has signed:
SUBSTITUTE HOUSE BILL NO. 219,
SUBSTITUTE HOUSE BILL NO. 409,
HOUSE BILL NO. 1050,
HOUSE BILL NO. 1075,

SUBSTITUTE HOUSE BILL NO. 1091, and the same are herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

May 19, 1975.

Mr. President: The Speaker has signed: SUBSTITUTE SENATE BILL NO. 2715, and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

SPECIAL ORDER OF BUSINESS

SECOND READING

HOUSE BILL NO. 464, by Representatives Conner, Hansey and Savage:

Authorizing the aeronautics commission to provide assistance to certain Indian tribes.

The time having arrived, the Senate resumed consideration of House Bill No. 464 and the committee amendment moved for adoption earlier today by Senator Walgren.

On motion of Senator Wilson, the following amendments to the committee amendment were considered and adopted simultaneously:

Beginning on line 3 of the amendment delete "*municipality or municipalities or*"

Beginning on line 8 of the amendment delete "*, shall be approved by the commission*" and insert "*must apply equally to tribal and non-tribal members*"

The motion by Senator Walgren carried and the committee amendment, as amended, was adopted.

On motion of Senator Walgren the rules were suspended, Engrossed 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 Engrossed House Bill No. 464, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 42; nays, 3; absent or not voting, 2; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Donohue, Fleming,, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly,

Keefe, Knoblauch, Lewis (Harry), Mardesich, Marsh, Matson, McDermott, Morrison, Newschwander, North, Odegaard, Pullen, Rasmussen, Ridder, Sandison, Scott, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—42.

Voting nay: Senators Jones, Lewis (R. H. "Bob"), Sellar—3.

Absent or not voting: Senators Francis, Peterson—2.

Excused: Senators Day, Murray—2.

ENGROSSED 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.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 86, by Committee on Ways and Means—Revenue (originally sponsored by Representative Randall):

Establishing sales tax liability for certain government contractors.

The bill was read the second time by sections.

On motion of Senator Donohue, the rules were suspended, Engrossed Substitute House Bill No. 86 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 Bluechel: "Would Senator Donohue yield to a question please? Senator Donohue, at the present time on government bidding there is the section in the end of the bid where you fill in the price that says 'sales tax, state or local, must be specifically excluded from the price,' and how is it proposed to get around this provision, and the second question is, will this revenue estimate be included in the budget?"

Senator Donohue: "In answer to your question, I will read you the organizational impact of this particular issue. It says the federal government cannot be directly taxed. However, a tax can be levied prior to the final sale to the government, and the person liable for the tax can include it as a cost in the final sales price to the U.S. When this indirect tax is being levied, the U.S. cannot be singled out as a taxpayer. Now as far as the dollars that we are talking about, the ten million dollars and when we are talking about the problems we have with Seattle schools, Senator, and trying to do something in that area, the answer is yes, there will be dollars from this particular bill included in the budget."

Senator Bluechel: "Thank you, Senator. I am in favor of the bill. What I am questioning, and maybe I should phrase a third question, are there other states that include the state sales tax in their bids to the federal government? It has been my experience that bidding to the government that I was instructed on the bid form to exclude state sales tax for the purposes of determining bid or paying for it."

Senator Donohue: "The answer to your question is yes. The state of Texas does this and it did so after a Supreme Court decision, *Phillips Chemical Company vs. Dumas Independent School District*, which provided that this can be done."

POINT OF INQUIRY

Senator Guess: "Senator Donohue, will you yield? Senator Donohue, can you tell us the date of that case? Did the Supreme Court uphold it, is what I want to know, because Alabama is in trouble right now."

Senator Donohue: "I do not think I have a date here, Senator, I have the decision, the language from the decision, but I do not have the date."

Senator Guess: "Two years ago the state of Montana passed a tax against the federal government when they were building all of the missile sites over there. The federal government then stopped all distribution of federal funds in the state of Montana and they had a special session of the legislature to repeal the bill, and I wondered if this law is going to get us into the same trouble that the state of Montana got into."

Senator Donohue: "I cannot answer that question correctly, Senator. I do not know."

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute House Bill No. 86, and the bill passed the Senate by the following vote: Yeas, 44; nays, 3; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Donohue, Francis, Goltz, Gould, Grant, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—44.

Voting nay: Senators Fleming, Guess, Lewis (Harry)—3.

Excused: Senators Day, Murray—2.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 86, having received the 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. 619, by Representatives Bagnariol, Perry, Nelson, Wojahn, Moreau, Bond, Peterson, Charnley, Patterson, Clemente and Savage:

Mandating availability of materials on abuses of alcohol in public premises where sold or consumed on campuses of institutions of higher education.

The Senate resumed consideration of Engrossed House Bill No. 619. On Thursday, May 15, 1975 the committee amendment was adopted.

On motion of Senator Sandison, the Senate moved to reconsider the vote by which the committee amendment was adopted.

Senator Pullen moved adoption of the following amendment to the committee amendment:

On the fourth line of the second paragraph of new section 2, added by the committee amendment, after "education." strike all material down through "permitted," on line 7, and on line 8 after "premises of" strike all material down through "authorized," on line 9, and insert "each campus"

Senator Herr moved that the amendment by Senator Pullen to the committee amendment be laid upon the table.

Debate ensued.

The motion by Senator Herr failed on a rising vote.

The motion by Senator Pullen carried and the amendment to the committee amendment was adopted.

Senator Pullen moved adoption of the following amendment to the committee amendment by Senators Pullen, Day, Guess, Washington, Lewis (Harry) and Rasmussen:

At the end of the committee amendment add a new section to read as follows:

"Section 3. Section 1, chapter 75, Laws of 1895, section 1, chapter 49, Laws of 1933 ex. sess., section 1, chapter 120, Laws of 1951, section 1, chapter 21, Laws of 1967 and RCW 66.44.190 are each amended to read as follows:

It shall be unlawful to sell any intoxicating liquors, with or without a license on the grounds of [the University of Washington, otherwise known and described as follows: Fractional section 16, township 25 north, range 4 east of Willamette Meridian] *any college, university, or community college supported in whole or in part by state funds except to the extent allowed under banquet permits issued pursuant to RCW 66.24.490 as it now exists or is hereafter amended.*"

POINT OF ORDER

Senator Goltz: "Mr. President, I would like to raise the question of scope and ob-

ject on this bill and speak to that for just a moment on the amendment. The question, as I see it, in the original bill was to make available on the college campuses information and I think the reason for the bill was to be sure that the colleges could use this information which was received without cost to them and display it and put it out for information on these campuses. As I read this amendment, it expands the bill by changing the present law with regard to the selling of liquor on those campuses where there is no present statutory restriction. I am not opposed to addressing that problem at some other time and some other place, but it does seem to me that it is not within the scope of this bill to do so."

Engrossed House Bill No. 619 was ordered held for a Ruling by the President on the Point of Order by Senator Goltz.

SECOND READING

ENGROSSED SUBSTITUTE HOUSE BILL NO. 184, by Committee on Higher Education (originally sponsored by Representatives Maxie, Perry, Moreau, Patterson, Peterson, Bond, Savage, Wojahn, Charnley, Nelson, Erickson, Fischer, Laughlin and Matthews):

Allowing higher education fee exemptions for residents sixty years of age or over at discretion of individual boards of trustees and regents.

REPORT OF STANDING COMMITTEE

March 19, 1975.

ENGROSSED SUBSTITUTE HOUSE BILL NO. 184, allowing higher education fee exemptions for residents sixty years of age or over at discretion of individual boards of trustees and regents (reported by Committee on Higher Education):

MAJORITY recommendation: Do pass with the following amendment:

On page 1, line 8, after "for" strike all of the material down to and including "Enrollment" on page 2, line 4, and insert "the state's older residents.

NEW SECTION. Sec. 2. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28B.15 RCW a new section to read as follows:

Notwithstanding any other provision of this chapter or the laws of this state, the boards of trustees or regents of each of the state's state colleges or universities, and, consistent with regulations and procedures established by the state board for community college education, the various community colleges may for Washington residents who are sixty years of age or older:

(1) Waive, in whole or in part, the tuition, operating and services and activities fees for students who qualify under this section and who are enrolled for credit, and

(2) Waive the tuition, operating and services and activities fees for students who qualify under this section, but charge a nominal fee not to exceed five dollars per quarter, or semester, as the case may be, for such students who are enrolled on an audit basis: PROVIDED, That residents enrolling with fee exemptions under this section shall register for courses on a space available basis, and no new course sections shall be created as a direct result of such registration: PROVIDED FURTHER, That enrollment"

Signed by: Senators Sandison, Chairman; Benitz, Donohue, Goltz, Guess, Odegaard.

The bill was read the second time by sections.

Senator Goltz moved adoption of the committee amendment.

On motion of Senator Goltz, the following amendment to the committee amendment was adopted:

Amend the committee amendment as follows:

On page 1, line 6, after "follows" strike all language through "colleges" on line 12 and insert "Notwithstanding any other provision of this chapter or the laws of this state and consistent with the regulations and procedures established by the boards of trustees

of the state colleges, the boards of regents of the state universities and the state board for community college education, each institution”

POINT OF INQUIRY

Senator Rasmussen: “Will Senator Goltz yield to a question? Senator Goltz, in the event that this person who is sixty years of age or older wanted to enroll for a Master's degree, was already employed, this would entitle him to enroll in the program?”

Senator Goltz: “It could. I think the regulations here, and it is very unlikely that a person could actually count on standby positions for completing a full program of work. I think that any person that would be pursuing a degree would almost have to sign up in the regular sequence of admission and enrollment requirements. This is the same as standing in line for an airplane flight. If you want to be sure you are going to get there, you had better pay your full fare and be on board, but if you want to experience the cheaper rate and get whatever benefits you can out of it under those conditions, this would allow them to do so at a reduced rate.”

Senator Rasmussen: “In fact, they could not be prevented.”

Senator Goltz: “It could be presented by rule and regulation.”

Senator Rasmussen: “How?”

Senator Goltz: “Admission requirements to the program would be under the control of the boards of trustees. If the individual did not qualify for admission to that program, a Master's program has very strict admission requirements.”

Senator Rasmussen: “How would you deny one senior citizen of sixty years of age the benefit that you are allowing another senior citizen of sixty years of age to have? On a constitutional basis you would be violating that because you have to have equal protection and it would have to be on a class basis which I assume would be the sixty years of age.”

Senator Goltz: “It is my understanding, now when the class is full, that you are denying a thirty-first person, as it were, from admission to that particular program now. An example I gave, if they had a thirty chair class and you have twenty-eight of them filled and you have three senior citizens signed up for those two positions, it is already within the prerogative of the board to establish a procedure by which those two chairs could be filled and the third person would be denied.”

Senator Rasmussen: “That is the question in my mind. I understand that there is not too big a standing line up at Western at the present time, that you have numerous vacancies and probably more instructors than they need and they do not feel like going out in the cold cruel world and they would rather stay there and teach senior citizens, but I am questioning, if these senior citizens do not have the ability to pay, it is quite an expensive institution up there and at all the other institutions and if they have the ability to pay they most certainly should. Now this is not the criteria that you have here in the bill.”

MOTION

On motion of Senator Mardesich, Engrossed Substitute House Bill No. 184, together with the pending committee amendment as amended by Senator Goltz, was held for further consideration on the second reading calendar for Tuesday, May 20, 1975.

MOTION

On motion of Senator Sellar, Senator Lewis (R. H. “Bob”) was excused.

SECOND READING

HOUSE BILL NO. 796, by Representatives Thompson and Hayner:

Providing for transfer of rental deposit with change of landlords.

The bill was read the second time by sections.

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

On page 1, line 9, after “account” and before “in” insert “, maintained by the landlord for the purpose of holding such security deposits for tenants of the landlord,

Senator Bottiger moved adoption of the following amendment:

On page 1, line 10, after "Washington." and before "The" insert "*Unless otherwise agreed in writing, the landlord shall be entitled to receipt of interest paid on such trust account deposits.*"

POINT OF INQUIRY

Senator Fleming: "Would Senator Bottiger yield to a question? Senator Bottiger, are we not talking about a deposit that the tenant would put up for damage?"

Senator Bottiger: "That is correct."

Senator Fleming: "Okay. What kind of paper work would be entailed by the landlord in this operation?"

Senator Bottiger: "Just computing the interest for six and one-half months or three and two-thirds months, bookkeeping records of that kind. When the tenant has given his indication that he is going to move and has asked the landlord to inspect the premises and the landlord concludes the tenant is entitled to his deposit back in total or less some particular amount, the amount of interest involved is so small that the purpose of this amendment would be to say that the landlord may keep that interest on the deposit."

Senator Fleming: "A trust account is just an account set up and the bank would not be doing this interest figuring out and so forth?"

Senator Bottiger: "It would on each individual account but there again we have people running down starting fifty dollar savings accounts, but when you put them into one, then the bank does not compute each of the deposits on the date of entry and withdrawal."

The motion by Senator Bottiger carried and the amendment was adopted.

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

On line 15, after "account" and before "shall" insert "*affected by such transfer*"

Senator Bottiger moved adoption of the following amendment:

On line 21, after "commingled" and before the period insert "*PROVIDED, That nothing in this section shall apply to landlords having less than four dwelling units in the state of Washington*"

Debate ensued.

POINT OF INQUIRY

Senator Van Hollebeke: "I would like to ask Senator Bottiger to yield to a question. Senator Bottiger, I agree with some of the comments you have made. I in part agree with some of the comments made by Senator Francis too. I think if we make this unduly burdensome for people to rent a low number of units, all we are doing is raising rents and we are also crowding more people out of the business of renting housing units to people so that I think the intention of this amendment might be very good and it might be worthwhile legislation. I have one problem with it though. What would this do, for instance, if a party had a corporation in which was held an apartment building with multiple units, say twenty or more, and that party also, I said he had a corporation, let us say he is a minority stockholder in that corporation; then he also owns one or two single residence units? I have not read it carefully so I am not sure in my own mind. I am asking for that reason."

Senator Bottiger: "The corporation is a legal person within the laws of the state of Washington so they would have to comply under your facts situation if they had more than three. The individual shareholders are each individual people and if they had less than four, or three or fewer, they would not have to have this special trust account deposit slip for the damage deposit."

Senator Van Hollebeke: "All right. I think that pretty well answers my question but I was thinking of the even more complicated case where somebody might hold stock in a corporation, a mini-conglomerate for instance, where this is some small part of their operation, and not even be aware that under our definition they are a person and perhaps I am worrying too much about something that is not going to be a very big problem."

Senator Bottiger: "Anticipating slightly your question, would it be a practical pos-

sibility to divide up larger holdings into a bunch of small ones? The answer would be no. The accountant and the attorney would make it very uneconomical to do that."

Further debate ensued.

POINT OF ORDER

Senator Fleming: "Mr. President, I move scope and object on the amendment."

RULING BY THE PRESIDENT

The President: "The President, in ruling upon the point presented by Senator Fleming, finds that the amendment merely limits the number of landlords to which the bill applies. Therefore, the point is not well taken."

Further debate ensued.

The motion by Senator Bottiger carried and the amendment was adopted on a rising vote.

On motion of Senator Mardesich, the following amendment was adopted:

On lines 9, 15, and 16, strike "trust" and insert "[trust] guaranty"

On motion of Senator Francis the rules were suspended, House Bill No. 796, 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. 796, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 43; nays, 1; absent or not voting, 2; excused, 3.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Donohue, Francis, Goltz, Gould, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Mardesich, Marsh, Matson, McDermott, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—43.

Voting nay: Senator Fleming—1.

Absent or not voting: Senators Grant, Lewis (Harry)—2.

Excused: Senators Day, Lewis (R. H. "Bob"), Murray—3.

HOUSE BILL NO. 796, 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. 733, by Representatives Chatalas, Brown and Kalich:

Authorizing solid waste collection and processing by cities and towns.

REPORT OF STANDING COMMITTEE

April 21, 1975.

ENGROSSED HOUSE BILL NO. 733, authorizing solid waste collection and processing by cities and towns (reported by Committee on Local Government):

MAJORITY recommendation: Do pass with the following amendment:

On page 2, line 2, beginning with "Any" strike everything down to and including "to" on line 5 and insert "Nothing in this act will relieve a city of its obligations to comply with the requirements of"

Signed by: Senators Fleming, Chairman; Jolly, Lewis (R. H. "Bob"), North, Sellar, Wilson.

The bill was read the second time by sections.

On motion of Senator Francis, the committee amendment was adopted.
 Senator Guess moved adoption of the following amendment:
 On page 1, lines 8 and 20, strike "condemn"
 Debate ensued.

POINT OF INQUIRY

Senator Guess: "Would Senator Fleming yield? Senator Fleming, can you tell me what plant they propose to condemn?"

Senator Fleming: "No, I cannot tell you that they are going to try and condemn a plant. As you said, the language reads, 'a city or town may construct, condemn, purchase, acquire, add to and extend a system and plants for collection and disposal of solid waste.' I do know that in Seattle they are in the process right now involved in getting into this area. Now I have not been out to visit the site and to what extent they had to condemn some of that area that they are involved in now. I cannot address myself to that, but I am pretty sure that the city itself is not going to be going around an operation that is at full capacity, such as the one in Bellingham, condemning that process. Now if there is some type of system that is set up that does not meet these requirements, they might be able to condemn a portion of that but I could not see them condemning the whole process if it is in full capacity."

Debate ensued.

POINT OF INQUIRY

Senator Guess: "Would Senator Talley yield? Senator Talley, can you tell what plant they want to condemn?"

Senator Talley: "I do not think anybody knows. This is an experimental bill. We are just giving them the authority to do something, Senator, and if they can do it, it will be of great benefit to the whole state."

Senator Guess: "Senator, the whole thing about it is, there is one going plant in the state of Washington. Now I have sat in on the two committees, I have sat in on the debate, and nobody has come up and showed us a plant or a system that is a going proposition except the one in Bellingham. Now, I want to protect the free enterprise of the individuals who had enough gumption to go out and build their own plant and to pick up these patent rights without having to fear that they will be wiped out because of condemnation proceedings. Now, there is nobody that has shown through debate on this floor that there is a possible way that the city of Seattle can condemn this thing. When they are talking about the plant they are talking about in Seattle. It is from scratch, sir. They do not condemn anything there except they might if you people seem to encourage them they might condemn the patent rights on something but I do not think that is the proper procedure."

Senator Talley: "Senator, I am just as much in favor of private enterprise as you are but I think in this case anything that they can develop to get rid of this garbage in a scientific manner than the way we are doing it today, dumping it on the ground or burying it and let it leak out in the next hundred years and ruining our whole environment with it, I think we should go along with the bill as is."

POINT OF INQUIRY

Senator Rasmussen: "Will Senator Fleming yield to a question? Senator Fleming, 'extend system of plants for the collection and disposal of solid waste.' What is the definition of solid waste?"

Senator Fleming: "You are asking me the definition of solid waste? I cannot answer you. Ask somebody else."

Senator Rasmussen: "I thought you had the bill in your committee."

Senator Fleming: "If you could answer the definition of everything that goes to your committee, Senator Rasmussen, I am sure we would eat a lot of hats around here."

Senator Rasmussen: "Senator, I do not wish to irritate you. I am just asking that because what I have in mind . . ."

Senator Fleming: "You are not irritating me. I cannot answer your question."

Senator Rasmussen: "Thank you, Senator. I just raised that question because solid

waste can be just about anything, old automobiles, generators, and things like that, and we do have a lot of plants handling solid waste at the present time. We have including also several breweries that are collecting aluminum cans. I just read in the Sunday paper where some gentleman was out and collected six hundred dollars worth of old cans and bottles himself, so we do have a lot of these recycling plants going. I think that is what Senator Guess's concern is."

Senator Fleming: "Senator Rasmussen, you did a good job of answering your own question. Secondly, I appreciate your asking that question because you somewhat contradicted what Senator Guess had indicated, that there were no plants available other than the one up in Bellingham. Now the one up in Bellingham is the plant that is involved in the transposing, I guess, of solid waste into other products and so forth. That is the only one, that is true, but there are other plants. There are other systems in Seattle and if they are in the process of going into this new area they might need the ability to condemn a portion of one of their plants, not a public enterprise plant. They might need the flexibility to do that, and you said that you wanted to save money. Seattle is not asking us for any money to do this job. They are trying to get into this business. They are trying to do it the best way that they know how. It is a new venture and I think that as I indicated before, if we strike this condemnation out of there, I think we might be doing more harm than we are protecting them."

POINT OF INQUIRY

Senator Guess: "Will Senator Washington yield? Senator Washington, you said that Seattle might want to condemn a very large warehouse. There are several large warehouses down at Boeing, down at Renton, that I understand are closed. Do you think that the city of Seattle or Renton either one has the right to go down and condemn a property belonging to somebody else?"

Senator Washington: "Of course they do. We condemn property for highways. We are always condemning property for highways, Senator, and I think you are very much in favor of that. We condemn property for any number of situations and I think one of the greatest things that we need to do now is to go into recycling. We need to go into waste, trying to save waste, and I cannot think of any better reason why a public agency should be able to condemn property in order to carry it on, but I agree with you, Senator Guess, that they should not be able to go in and condemn a business that is already attempting to do the very thing we are talking about. That Bellingham plant should remain free from this possible attack. The plants that Senator Fleming mentioned should be free from it, and everybody should be free to get into this business and not feel that they are in danger of being condemned. Therefore, I think my amendment would take care of all this problem."

The motion by Senator Guess failed and the amendment was not adopted on a rising vote.

Senator Lewis (Harry) moved adoption of the following amendment:

On page 1, line 17, after the period add the following paragraph:

"Agreements relating to systems and plants for the processing and conversion of solid wastes to useful products and agreements relating to sale of such products shall be in compliance with RCW 35.21.120 and shall be entered into only after public advertisement and evaluation of competitive offerings."

There being no objection, the amendment by Senator Washington to the amendment by Senator Lewis (Harry) on the Secretary's desk was withdrawn.

The motion by Senator Lewis (Harry) carried and the amendment was adopted.

PARLIAMENTARY INQUIRY

Senator Woody: "I have an amendment on the desk that cites the same line. It could either be treated as an amendment to Senator Lewis's amendment or as a separate amendment, since it does not necessarily have to be an amendment to the amendment."

REPLY BY THE PRESIDENT

The President: "The Secretary advises that he had your amendment as an amendment to the amendment following Senator Lewis's amendment."

Senator Woody moved adoption and consideration of the following amendments simultaneously:

On page 1, line 17, after "town." and following the Lewis amendment, insert "Any agreement entered into by any city or town, regardless of classification, shall be subject to the provisions of RCW 35.23.352."

On page 1, line 29, after "town." and following the Lewis amendment, insert "Any agreement entered into by any city or town, regardless of classification, shall be subject to the provisions of RCW 35.23.352."

MOTION

On motion of Senator Fleming, Engrossed House Bill No. 733, as amended by the Senate, together with the pending amendments by Senator Woody, was ordered to hold its place on the second reading calendar for Tuesday, May 20, 1975.

SECOND READING

ENGROSSED HOUSE BILL NO. 295, by Representatives Ceccarelli, Pardini, Fischer and McCormick:

Providing for, and regulation of, bank conservators.

The bill was read the second time by sections.

On motion of Senator Woody the rules were suspended, Engrossed House Bill No. 295 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. 295, and the bill passed the Senate by the following vote: Yeas, 43; nays, 1; absent or not voting, 3; excused, 2.

Voting yea: Senators Bailey, Beck, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Donohue, Francis, Goltz, Gould, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, McDermott, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—43.

Voting nay: Senator Matson—1.

Absent or not voting: Senators Benitz, Fleming, Grant—3.

Excused: Senators Day, Murray—2.

ENGROSSED HOUSE BILL NO. 295, having received the 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. 173, by Representatives Clemente, Gaspard and Hendricks:

Requiring school board directors when making available rules regarding pupil conduct, discipline and rights to spell out rights and authority of teachers.

REPORT OF STANDING COMMITTEE

May 6, 1975.

ENGROSSED HOUSE BILL NO. 173, requiring school board directors when making available rules regarding pupil conduct, discipline and rights to spell out rights and authority of teachers (reported by Committee on Education):

MAJORITY recommendation: Do pass with the following amendments:

Add three sections following section 1 to read as follows:

"Sec. 2. Section 28A.58.137, chapter 223, Laws of 1969 ex. sess. and RCW 28A.58.137, are each amended to read as follows:

In all districts the board of directors shall elect a superintendent who shall [hold a valid teacher's certificate and such other credentials as required by the state board of education] *have such qualifications as the local school board alone shall determine.* He shall have supervision over the several departments of the schools thereof and carry out such other powers and duties as prescribed by law. Notwithstanding the provisions of RCW 28A.58.100(1), the board may contract with such superintendent for a term not to exceed three years when deemed in the best interest of the district.

NEW SECTION. Sec. 3. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.02 RCW a new section to read as follows:

Notwithstanding any other provision of Title 28A. RCW, the state board of education or superintendent of public instruction shall not require any professional certification or other qualifications of any person elected superintendent of a local school district by that district's board of directors.

NEW SECTION. Sec. 4. There is added to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.02 RCW a new section to read as follows:

If any provision of this 1975 amendatory act, or its application to any person or circumstances 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 22 of the printed bill being line 23 of the engrossed bill after "to" insert "*the discipline of*" and on line 23 of the printed bill being line 24 of the engrossed bill before the period insert "*after June 30, 1976*"

On line 3 of the title after "RCW 28A.58.101" and before the period insert "amending section 28A.58.137, chapter 223, Laws of 1969 ex. sess. and RCW 28A.58.137; and adding new sections to chapter 223, Laws of 1969 ex. sess. and to chapter 28A.02 RCW"

Signed by: Senators Stortini, Chairman; Gould, Murray, Newschwander, von Reichbauer.

The bill was read the second time by sections.

Senator Stortini moved adoption of the committee amendment adding three sections.

On motion of Senator Bluechel, the following amendment by Senators Bluechel, Stortini and Gould to the committee amendment was adopted:

On the last line of section 3, after "directors" and before the period insert ", or any person hired in any manner to fill a position designated as, or which is, in fact, deputy superintendent, or assistant superintendent"

The motion by Senator Stortini carried and the committee amendment, as amended, was adopted.

On motion of Senator Stortini, the committee amendment to page 1 was adopted.

On motion of Senator Stortini, the committee amendment to the title was adopted.

On motion of Senator Stortini, the rules were suspended, Engrossed House Bill No. 173, 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. 173, as amended by the Senate, and the bill passed the Senate by the following vote: Yeas, 44; nays, 2; absent or not voting, 1; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Donohue, Fleming, Francis, Goltz, Gould, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Woody—44.

Voting nay: Senators McDermott, Wilson—2.

Absent or not voting: Senator Grant—1.

Excused: Senators Day, Murray—2.

ENGROSSED HOUSE BILL NO. 173, 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 fourth order of business.

MESSAGE FROM THE HOUSE

May 16, 1975.

Mr. President: The House has passed ENGROSSED SUBSTITUTE SENATE BILL NO. 2616 with the following amendments:

On page 1, beginning on line 2 of the title, after "43.51 RCW;" strike the remainder of the title and insert "and adding a new section to Title 79 RCW."

On page 1, section 1, beginning on line 17, after "newspapers" strike all material down to and including "state" on line 19 of the engrossed bill, being line 18 of the printed bill, and insert "of general circulation in the county and at least once in one or more weekly newspapers circulated in the area where the state-owned"

On page 1, line 26, after "proposal." strike the remainder of section 1, being the Senate amendment by Senator Wilson, and insert "If there is a failure to substantially comply with the procedures set forth in this section, then the exchange agreement shall be subject to being declared invalid by a court. Any such suit must be brought within one year from the date of the exchange agreement."

On page 1, line 28 of the engrossed bill, being line 27 of the printed bill, after "to" strike "chapter 76.12" and insert "Title 79"

On page 2, line 2 of the engrossed bill, being page 2, line 1 of the printed bill, after "exchange of" strike "state land pursuant to this chapter" and insert "any lands under the administrative control of the department of natural resources"

On page 2, beginning on line 9 of the engrossed bill, being line 8 of the printed bill, after "newspapers" strike all material down to and including "state" on line 11 of the engrossed bill, being line 9 of the printed bill, and insert "of general circulation in the county and at least once in one or more weekly newspapers circulated in the area where the state-owned"

On page 2, line 18 of the engrossed bill, being line 17 of the printed bill, after "proposal." strike the remainder of section 2, being the Senate amendment by Senator Wilson, and insert "If there is a failure to substantially comply with the procedures set forth in this section, then the exchange agreement shall be subject to being declared invalid by a court. Any such suit must be brought within one year from the date of the exchange agreement."

On page 2, beginning on line 20 of the engrossed bill, being line 18 of the printed bill, strike all of section 3, including the Senate amendments to section 3., and the same is herewith transmitted.

DEAN R. FOSTER, Chief Clerk.

MOTION

Senator Wilson moved that the Senate concur in the House amendments to Engrossed Substitute Senate Bill No. 2616.

POINT OF INQUIRY

Senator Lewis (Harry): "Will Senator Wilson yield? Senator Wilson, on the second paragraph in the message from the House refers to newspapers. The word 'newspapers' appears twice on the line and it does not specify which. It is my understanding that the House intended the first time the word 'newspapers' appears on the line is to be the word 'newspapers' that applies to this amendment. Is that correct?"

Senator Wilson: "Yes. It is confusing when you look at the House language but if you read that language with the existing language that survives in the bill I think it be-

comes clear and it would now say that these notices must be published at least once in one or more daily newspapers of general circulation in the county and at least once in one or more weekly newspapers situated in the area where the state-owned land is located."

POINT OF INQUIRY

Senator Woody: "Mr. President and members of the Senate, I agree with Senator Wilson that substituting the terminology of void to the voidable language is preferable. I am scratching my head down here though to see in my own mind whether there is even a better way to do it and I am trying to think of the analogy with probate, the publishing requirements there. What I am thinking about, basically, is if there is a substantial non-compliance with the procedure, then of course it is a voidable situation and if that is the case, the person who is trading land on the exchange, if they intend to build on it or if they intend to sell it later, they apply for a loan or if they apply for title insurance on a sale, they will discover that they will not be able to borrow money on it until that one year is past because no lending agency is going to loan any money on a construction basis if title may be voidable and revert to the seller. In the probate area, and I am not sure if Senator Clarke can help me on probate, if there is a noncompliance of one of the publishing requirements, let us say in a statute that says before there is any sale or mortgage of estate property there must be an advertisement, preliminarily an order approving the sale and I think there is a publication requirement in certain instances. If the publication requirements are not met in the probate section, what happens to the title? Is that voidable, void, or is it neither?"

Senator Clarke: "Senator, I am afraid I was not paying attention to the first portion of your question."

Senator Woody: "I am trying to compare, Senator Clarke, this amendment that says that if there is a failure to substantially comply with the publication requirements on an exchange of property, public property, that it is voidable by an action brought within one year of the exchange. I am trying to think if that is an impairment of title and you would not be able to either get a loan on that within that one year or if you sold it within the one year under a warranty deed, you may be subject to liability in the event there is a voiding by the court within that one year. . . . what the comparison is in probate if one of the publication requirements are not met."

Senator Clarke: "I know of no special time limitation in connection with your probate illustration. It would appear to me that the imposition of a limitation would be a constructive piece of legislation because it would then clear the title if nothing was brought within the limitation period rather than leaving the possibility of a permanent cloud which could well be the situation in the probate illustration you referred to. Frankly, I am not aware right off the top of my head as to the limitations that may exist as to a defect in publication of a probate notice; whether that is something that could be brought up at an indefinite period in the future, I do not have the answer to that without further research, but I do think that limitations of this nature are constructive for the very reason that you suggest. There should be some certainty in titles and there should be a definite period within which a contest can be initiated."

Debate ensued.

Senator Wilson: "I might say in further reply to Senator Woody that the publicity requirements in this bill are quite simple, and somewhere the department is going to have a file on this particular exchange and no doubt it will include its copies of its insertion orders on the message in the weekly paper and the message in the daily paper. It will include a tear sheet from each of the papers as evidence that the notices were published, and I think any person with any suspicions who wanted to start a development during the initial year could quite easily check that material out at the department or even secure xeroxes of it."

The motion by Senator Wilson carried and the Senate concurred in the House amendments to Engrossed Substitute Senate Bill No. 2616.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate

Bill No. 2616, as amended by the House, and the bill passed the Senate by the following vote: Yeas, 47; excused, 2.

Voting yea: Senators Bailey, Beck, Benitz, Bluechel, Bottiger, Buffington, Clarke, Cunningham, Donohue, Fleming, Francis, Goltz, Gould, Grant, Guess, Henry, Herr, Jolly, Jones, Keefe, Knoblauch, Lewis (Harry), Lewis (R. H. "Bob"), Mardesich, Marsh, Matson, McDermott, Morrison, Newschwander, North, Odegaard, Peterson, Pullen, Rasmussen, Ridder, Sandison, Scott, Sellar, Stortini, Talley, Van Hollebeke, von Reichbauer, Walgren, Wanamaker, Washington, Wilson, Woody—47.

Excused: Senators Day, Murray—2.

ENGROSSED SUBSTITUTE SENATE BILL NO. 2616, 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. 2077,
 SUBSTITUTE SENATE BILL NO. 2249,
 SECOND SUBSTITUTE SENATE BILL NO. 2258,
 SUBSTITUTE SENATE BILL NO. 2322,
 SENATE BILL NO. 2411,
 SENATE BILL NO. 2434,
 SENATE BILL NO. 2454,
 SENATE BILL NO. 2467,
 SUBSTITUTE SENATE BILL NO. 2480,
 SENATE BILL NO. 2509,
 SENATE BILL NO. 2945.

MOTIONS

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

On motion of Senator Mardesich, Senate Resolution 1974-53 relating to a central system for sharing surplus textbooks was referred to the Committee on Rules.

MOTION

At 4:25 p.m., on motion of Senator Mardesich, the Senate adjourned until 11:00 a.m., Tuesday, May 20, 1975.

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
1975 REGULAR AND FIRST
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